

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. DOLE).

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003—Continued

AMENDMENT NO. 40

The PRESIDING OFFICER. Who yields time on the motion to waive?

The Senator from Rhode Island.

Mr. REED. Madam President, before recognizing my colleague, Senator DURBIN, let me say the Reed-Durbin amendment would provide up to 1 million Americans who are long-term unemployed and were not assisted by the January 8 amendment we passed. This would be a positive stimulus for our economy. These benefits would be paid out until the economy came back and then automatically stop. It also recognizes the structural changes. The high-tech meltdown and the exodus of manufacturing have left many people without jobs. They need our help now.

Our economy is in distress. We have to help these hard-working Americans. We cannot wait any longer because as we wait, they invade their 401(k)s, they extend their credit cards, they do anything to make ends meet. We should help them now.

I yield the remainder of my time to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Rhode Island for yielding. I am happy to cosponsor this amendment with him. I am glad it has finally come to a vote.

I listened to the arguments yesterday by the Senators from Oklahoma and Iowa and others who suggested this recession is not that bad; we really should not be talking about a million people who have exhausted their unemployment benefits; things were a lot worse 12 or 13 years ago.

The unemployment rate in the United States of America has increased over 50 percent since October of 2000. We now have 6.0 percent or more who are unemployed in this country, a million of whom have exhausted their unemployment benefits. When the President said he was going to help these families, he forgot a million Americans, 53,000 in my State.

I hope my colleagues in the Senate will understand that the money we have collected over the years and we put in the unemployment trust fund is money designed specifically for this purpose.

Previous Presidents, Democrats and Republicans alike, have noted the need

to help these struggling families. We cannot turn our backs on them. We will have a chance today by voting yes on this amendment, and I hope my colleagues on both sides will join in that effort.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Madam President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 2½ minutes. The Senator from Rhode Island has 36 seconds.

Mr. NICKLES. Madam President, I urge my colleagues to vote no on the motion to waive the budget point of order. I am afraid we are going to have to decide this many times, are we going to be waiving the budget every time we turn around?

There is a reason a budget point of order lies against this amendment. We are on an appropriations bill. Instead of trying to pass appropriations, some people are saying, let's expand entitlements.

It so happens we did this January 7. The Senate unanimously passed a bill to expand unemployment compensation, extend the present law through May, and it cost us about \$7.2 billion.

Now our colleagues are coming back and saying: This is a 13-week Federal program. Let's make it a 26-week Federal program, except let's even do more. The Federal program today is up to 13 weeks. The bill we have before us says all States get a mandatory 26 weeks. It is not coupled to what the State programs have.

We have never done that in the history of the United States. We have always coupled Federal unemployment extensions with the State program. But that is not what this amendment does. The amendment was not drafted well and was not thought out well. It is very expensive. It is about the fifth iteration we have seen, and it is still not done very well.

I urge my colleagues, if they want to do it, introduce the bill, have it referred to the appropriate committee, have that committee have hearings on it and mark it up with professional staff to do a good job. This is grossly irresponsible. It would cost \$6.3 billion.

I ask unanimous consent to have printed in the RECORD a Congressional Budget Office letter stating that fact.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 22, 2003.

Hon. DON NICKLES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As requested by your staff, CBO has prepared a preliminary estimate of the costs of amendment number 40 to House Joint Resolution 2. This amendment would expand the Temporary Extended Unemployment Compensation Act of 2002 (as

amended by Public Law 108-1) to provide additional weeks of federal unemployment benefits by increasing the maximum number of additional weeks of benefits available in all states from 13 to 26. The amendment also would change the number of weeks available in states with high unemployment from 13 to 7.

CBO estimates that enactment of this amendment would increase outlays by between \$5.8 billion and \$5.9 billion in 2003, and by about \$500 million in 2004, for a total cost of about \$6.3 billion. Under our most current estimates, there would be no significant budgetary effects in subsequent years. Under the March 2002 baseline assumptions, there would be an offsetting increase in revenues in later years because this spending would reduce the amount of Reed Act transfers assumed under the March projections. However, CBO has not yet estimated this effect.

If you have additional questions about this estimate, we will be pleased to provide them. The CBO staff contact is Christi Hawley Sadoti, who may be reached at 226-2820.

Sincerely,

BARRY B. ANDERSON,
Acting Director.

Mr. NICKLES. Colleagues, let's have regular order in the Senate. Why have the Finance Committee have jurisdiction over an issue if we are just going to skip the committee and consider it on the floor? Are we going to do this with every authorizing committee? There is an appropriations bill, let's ignore the authorizing committee and come up with all kinds of entitlement expansions. That is the reason a budget point of order lies against this. That budget point of order is well taken.

This chairman of the Budget Committee plans on enforcing the budget. I urge my colleagues to vote no on the motion to waive the Budget Act.

Mr. KENNEDY. Since President Bush assumed office in January 2001, the economic well-being of America's families has significantly deteriorated, and a major cause of this crisis for so many families is the economic policy of the Bush administration, which has neglected the basic needs of working men and women, lavished extravagant tax breaks on the wealthiest taxpayers, and allowed corporate abuse and excess to go unchecked.

Today, nearly 8.6 million Americans are unemployed—2.6 million more than when President Bush took office. Due to the lack of available jobs, the number of long-term unemployed—those out of work for more than 6 months, has now soared to nearly 2 million—a 70 percent increase from last year. Long-term unemployment has increased in every month since March 2001. It is clear that Congress needs to do more for these Americans, who have worked hard, played by the rules, and are suffering because of the economic downturn.

The new law enacted earlier this month provided needed assistance for many of the unemployed, but it does nothing for the 1 million long-term unemployed who have run out of their State and Federal unemployment benefits and still have not found jobs. These Americans are struggling to make ends meet. Many have depleted their savings

and refinanced their homes. A tragic number are facing foreclosure.

In Massachusetts, nearly 170,000 workers are unemployed. Ninety thousand of those workers will be helped by the new law. But more than 30,000 of those hardest hit by the recession have run out of all of their State and Federal benefits and are still out of work.

The unemployment trust fund now contains about \$25 billion. It was intended for just this kind of situation. We now have an opportunity to extend unemployment compensation to families across this country who have lost their jobs through no fault of their own, but have not yet found a new job. They deserve this lifeline during this difficult time, before they are able to get back on their feet.

The issue is fundamental fairness.

At other times in recent years, Republicans and Democrats have come together to provide this urgently needed support. The first President Bush signed into law three benefit extensions for those who had run out of their State and Federal benefits. The same is true of the recessions of the 1970s and 1980s. Congress recognized each time that benefits were insufficient to reach the workers who were hardest hit. We acted to give them a safety net. It's time to live up to this standard now and provide unemployment benefits for these 1 million workers. These benefits are their lifeline, and Congress should act as soon as possible to provide the assistance they deserve.

Mr. GRASSLEY. Mr. President, I rise in opposition to the amendment by my colleague from Rhode Island. While I understand his desire to address the problem of unemployment, I would suggest this is neither the time nor the place to do so.

First, I would remind my colleagues that this amendment would increase mandatory spending in an appropriation bill, and therefore is subject to a 60-vote point of order.

Second, let's remember what we've already done to address this issue. Last year, Congress voted to provide more than \$11 billion in federally funded benefits, and we voted earlier this month to provide an additional \$7 billion on top of that. That's a total of \$18 billion in federally funded unemployment benefits.

Third, I would suggest this amendment is based on a faulty premise. On one hand, my colleague seems to suggest unemployment is worse than ever before. On the other hand, he suggests this amendment is no more than we've done before.

I would suggest he is mistaken on both counts.

The truth is this amendment represents the greatest expansion of Federal unemployment benefits in history, and it is being proposed at a time when unemployment is well below historical recession levels.

Let's be clear about what this amendment does. It would provide a minimum of 26 weeks of federally fund-

ed unemployment benefits and a maximum of 33 weeks—at an additional cost of more than \$6 billion.

The last—and only time—Congress provided up to 33 weeks of unemployment benefits was back in 1992 when the unemployment rate reached nearly 8 percent. Today, the unemployment rate is 6 percent.

Moreover, every other time Congress has provided federally funded unemployment benefits, they have been linked to the duration of State benefits. This amendment would provide between 26 and 33 weeks of Federal benefits without regard to the duration of State benefits. This is an unprecedented expansion of the unemployment program.

It violates the insurance principles inherent in the unemployment program by breaking the link between the time someone has worked to the time that person can collect unemployment benefits. This amendment would allow someone who worked as few as 20 weeks to collect as much as 33 weeks of federally funded benefits. This is neither the right time, the right place, nor the right way to change the unemployment program.

Unemployment has not risen to the historical level of previous recessions. Moreover, a uniform duration of benefits would violate every historical precedent.

I urge my colleagues to sustain the point of order and defeat this amendment.

Mr. KERRY. Mr. President, right now the American people are dealing with tough economic times. Over 1 million Americans have exhausted their unemployment benefits without finding a job, more than 30,000 of those people are from my home State of Massachusetts. Can you imagine how hopeless these workers are to be at the end of their benefits with no job? I've heard from so many of my constituents recently about the great difficulties they're having finding jobs and how scared they are about providing for their families when their benefits run out. These are people who are desperate to work, but they've found that jobs are simply not available right now. In fact, there are 1.5 million fewer jobs today than in March 2001 when the current economic downturn began, and the number of jobs in the economy has been stagnant for several months.

I am pleased that Senator REED has offered an amendment to the omnibus appropriations bill to provide additional weeks of benefits to the long-term unemployed, to those 1 million American workers whose benefits have already expired. I am a cosponsor of Senator REED's amendment, although unfortunately I will not be present to vote in support of the motion to waive the budget act today. When we passed S. 23 on the first day of the 108th Congress, we extended benefits for one group of the unemployed, but ignored this equally deserving group. It is totally unfair to me that we have not

provided benefits to the long-term unemployed, particularly when we know that the current unemployment rate of 6.0 percent is the highest rate in nearly 9 years and is higher than when the Temporary Emergency Unemployment Compensation program was created.

Twenty percent of America's unemployed have been without work for more than twenty-six weeks and that percentage is still growing. We must not leave the long-term unemployed and their families with no where to turn. I urge my colleagues to support the Reed amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I yield 10 seconds to the Senator from Maryland.

Mr. SARBANES. Madam President, I point out that taxes have been paid into the unemployment insurance trust fund for the purpose of paying unemployment insurance in an economic downturn. That fund has close to \$25 billion in it. About \$7 billion was used in the last legislation we passed. The purpose of paying that money in good times is to be able to pay it out in bad times. I support this amendment.

Mr. REED. Madam President, we might be able to wait here for procedural niceties, but the million Americans who are desperate for jobs and can't find jobs cannot wait. I urge passage.

I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "Aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 49, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—45

Akaka	Dayton	Lincoln
Baucus	Dodd	Mikulski
Bayh	Dorgan	Murray
Biden	Durbin	Nelson (FL)
Bingaman	Edwards	Nelson (NE)
Boxer	Feingold	Pryor
Breaux	Graham (FL)	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Carper	Kennedy	Sarbanes
Chafee	Kohl	Schumer
Clinton	Landrieu	Snowe
Conrad	Lautenberg	Specter
Corzine	Leahy	Stabenow
Daschle	Levin	Wyden

NAYS—49

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chambliss	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeWine	McCain	

NOT VOTING—6

Feinstein	Hollings	Kerry
Harkin	Inouye	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 79

Mr. DASCHLE. Madam President, I call up amendment No. 79.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. DASCHLE) proposes an amendment numbered 79.

Mr. DASCHLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide emergency disaster assistance to agricultural producers)

Beginning on page 1032, strike line 21 and all that follows through page 1040, line 25, and insert the following:

TITLE II—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Emergency Agricultural Disaster Assistance Act of 2003".

SEC. 202. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop, or both, due to damaging weather or related condition, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Develop-

ment, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(c) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 203. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 or 2002 losses, or both, in a county that has received a corresponding emergency designation by the President or the Secretary, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-51).

SEC. 204. FUNDING.

Of the funds of the Commodity Credit Corporation, the Secretary shall—

(1) use such sums as are necessary to carry out this title, to remain available until expended; and

(2) transfer to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to remain available until expended, an amount equal to the amount of funds under section 32 of that Act that—

(A) were made available before the date of enactment of this Act to provide assistance to livestock producers under the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070); and

(B) were not otherwise reimbursed from another account used by the Secretary or the Commodity Credit Corporation.

SEC. 205. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The entire amount made available under this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SEC. 206. BUDGETARY TREATMENT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the Joint Explanatory Statement of the Committee of Conference accompanying Conference Report No. 105-217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) were it included in an Act other than an appropriation Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902).

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 204

(Purpose: To provide agricultural assistance)

Mr. COCHRAN. Madam President, I call up Cochran amendment No. 204.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 204.

Mr. COCHRAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of January 21, 2003, under "Text of Amendments.")

Mr. DASCHLE. Madam President, just for the information of all Senators, the order that has been agreed to will accommodate debate on both the Cochran amendment and the Democratic amendment simultaneously. There will be 70 minutes equally divided to accommodate Senators who wish to speak to the amendments. I am sure we will accommodate Senators on both sides of the aisle in an attempt to alternate back and forth as people wish to speak. So both amendments are pending and both amendments are subject to comment by our colleagues.

I appreciate, as always, the great willingness on the part of the chairman of the Agriculture Committee to enter into this agreement and to accommodate this debate as we anticipate it.

It has been 342 days since the effort was first initiated to bring about meaningful disaster relief to many parts of the country. During those 342 days, I don't know how many hours we spent on the Senate floor attempting to inform our colleagues and urging the Senate to act as expeditiously as it could to address the concerns of so many farmers and ranchers.

We did it first in the farm bill itself. We attempted to provide meaningful disaster assistance within the farm legislation. It passed in the Senate. In conference, I had a number of conversations with the chair of the Agriculture Committee in the House and with the Speaker, and it was the view, almost unanimously expressed in the House, that they would not be willing to support disaster assistance on the farm bill. They said: We will come back at a later date and address it in a sufficient way. So we completed our work on the farm bill and anticipated we would have an opportunity to pass meaningful assistance later in the year.

When the Interior appropriations bill came before the Senate, we offered an amendment, and it generated 79 votes. That amendment provided about \$6 billion in direct assistance to farmers and ranchers. Forty different farm organizations publicly expressed their support for the effort. Over and over again, people said: This must be urgent. You have to understand the extraordinary

urgency of what is happening and the need for this relief as quickly as you can get it to us.

Madam President, just for the record, I note that I will use my leader time to make my remarks with regard to the amendment so that I can accommodate other Senators who wish to speak.

The PRESIDING OFFICER. The leader has that privilege.

Mr. DASCHLE. So we adopted that amendment with 79 votes, with every expectation that we could get help to the farmers and ranchers who need it as quickly and as meaningfully as possible.

Almost from the beginning, the administration's position was that we just could not afford it; that the \$6 billion was out of line; that it was too expensive; that there really was not a way to provide the resources to help farmers and ranchers with the magnitude of help we proposed in the amendment.

I must say, I find it deeply troubling that at the very time the administration says we cannot afford the \$6 billion in disaster assistance, they come forth with a \$670 billion tax cut, a tax cut that helps those at the very top, with very little support for anyone else—borrowing the money, I might add.

So, on one hand, the administration is saying to the American people, somehow we can afford a tax cut, \$20 billion of which will go to 226 millionaires, at the very time we do not have the resources, we do not have the will, we do not have the support for \$6 billion for farmers and ranchers.

I have to say, over the course of the last 342 days, time and time and time again, people have come to us saying: We don't understand either, but we hope that however you ultimately decide to help us, you help us soon.

There are places in South Dakota that have not had rain for months. There are places in South Dakota where we had no crop at all last year. We have locations in our State where virtually all of the livestock population has been sold off.

In letters, in e-mails, in phone calls, farmers and ranchers—by the thousands—have contacted the Senate pleading for help, asking that we do so as quickly as possible. So this is our last chance. This is our last opportunity, at least for the foreseeable future. I cannot imagine when we can come back to the Senate floor and try this again.

So we are offering the same amendment that generated 79 votes last fall. The amendment provides help in the two categories where help is most needed—the crop disaster assistance program and the livestock assistance program—with one minor exception. Last fall, the administration shifted several hundred million dollars to ill-considered, unresponsive, and underfunded disaster efforts for those key or niche areas of livestock producers, a very small number of livestock pro-

ducers, which amounted to about 2 weeks of assistance before it expired.

This amendment replenishes what the administration took from that important account, funding for school lunch and funding for hunger relief. I must say, I hope everyone will recognize the importance of taking this action.

As I said, the Senate is already on record; 79 Senators in an overwhelming bipartisan vote, 40 organizations, including the Farmers Union, the Farm Bureau, the National Wheat Growers, the National Cattle and Beef Association, the National American Soybean Association, 40 farm organizations have said: Help us now. Do what you were not able to do last year. Join as you did last year. Pass this meaningful assistance. We have waited too long.

I hope people recognize there is a difference between the two amendments. I have the utmost respect for the Senator from Mississippi, the chairman of the Senate Agriculture Committee. He will do an outstanding job as chair of the committee itself. We don't stipulate a dollar figure in this amendment. We leave that to the administration to define. We simply say: Let's meet the need that is there, meet the need in crop assistance, meet the need in livestock assistance, but meet the need that is there.

The alternative says: We know the need is there, but we are only going to provide \$3 billion to meet that need. We recognize it may only be half but, I suppose they would argue, at least it is something.

We need more than just something. We need to provide the kind of assistance that is so desperately needed in the dead of winter to ensure that at long last, those who have waited so long get the help they truly deserve.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Mississippi.

Mr. COCHRAN. Madam President, let me compliment the distinguished Democratic leader for his effort to get an agreement under which we could carefully and thoughtfully consider this issue in the Senate. We have reached that agreement, and we have two alternatives now pending before the Senate: The so-called Daschle amendment and the Cochran amendment.

For the information of Senators, these are not the only efforts that have been made up to this point to deal with the disaster facing agriculture. In fairness, we have to acknowledge that the administration has been working very diligently to use existing authority to make payments to producers under the authority of current law to deal with the losses being suffered in production agriculture and in the livestock industry. Specifically, the Risk Management Agency of the Department of Agriculture has been supervising the payment of crop insurance benefits and so far \$4.1 billion in crop insurance indem-

nities have been paid to producers across the country.

In addition, the Livestock Compensation Program has been utilized to the extent of the payment of \$932 million by the Department of Agriculture, and for the Livestock Feed Assistance Program, outlays of \$150 million have been made available. Adding up these three specific instances of assistance, we can see that \$5.182 billion of benefits have been paid to agricultural producers.

I agree with what the distinguished Senator from South Dakota has said: That is not enough. So we come here today trying to define new authorities for the Department of Agriculture under which additional benefits can be made available to compensate farmers for losses that have been sustained because of not only drought, which has been devastating in some parts of the country, but also other adverse weather conditions—excessive rainfall at the time in the South where farmers were trying to get into the fields to harvest cotton, to harvest other crops, and were not able to do so because of the difficult conditions created by excessive rainfall.

All of these producers will be eligible for benefits under the Cochran amendment. It will be capped however. The CBO, the Congressional Budget Office, estimates the outlays under this amendment would amount to \$3.1 billion. The additional fact to be kept in mind is, under our scoring procedures, trying not to add to the deficit with this amendment, we have offset the spending under the Appropriations Committee bill to which this amendment is added, so that this is not going to be new spending under this amendment.

By comparison with the Daschle amendment, the \$6.5 billion that the Congressional Budget Office estimates that amendment will cost will be added to the deficit. It is not offset. It is declared an emergency. And under the Budget Act, that is one way of funding disasters that are unanticipated. I am not suggesting it is illegal, but it simply does have budget implications in terms of additions to the deficit that the Cochran amendment does not.

We also try to deal with the disaster in terms of defining the areas where benefits could be made available. These basically are in disaster counties, counties that have been declared a disaster under current law by the Department of Agriculture or by the President. Other farmers who are located outside of those designated areas, if they can prove a loss up to 35 percent, may do that, and they will be eligible for compensation just as farmers who are located in the disaster declaration areas.

We are trying to make this applicable to those who have suffered disasters. At one point some Senators raised a question about the wording of this amendment I offer today because it appeared to make available benefits to

those who might not have had a disaster or may not have suffered any economic losses due to any kind of disaster. We hope we have tightened up the definition of eligibility so only those where there have been declarations of disaster or where they can prove they suffered damages up to 35 percent will be eligible for benefits. We hope we have taken care of that difficulty. We appreciate the fact that Senators are not bashful normally and they were not in this case either when they disagreed with some parts of this amendment as it was earlier drafted and brought this to our attention.

We tried to accommodate those concerns, and we think the amendment has been improved to the extent that it merits the support of the Senate.

We hope Senators on both sides of the aisle will look at the suggestions we have made carefully. We have tried to cover livestock producers as well as row crop producers. Other specialty vegetable crops and the like are covered as well. We think this is a generous but responsible way to deal with the problem. We hope Senators will vote for the amendment.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, there are a number of our colleagues who have asked to be recognized. I don't want to take a lot of time because we have a lot of Senators who wish to be heard.

There is one difference between the two amendments of which I think all of our colleagues ought to be aware. Under the Cochran amendment, in disaster counties, counties declared disaster, every producer is eligible regardless of loss. In my State, there are counties that were declared disaster that had pockets where they had all the rain they needed, where there are livestock producers who really don't need any assistance.

What we are doing is taking away from those who need assistance to provide resources to those who don't need it by not differentiating, by not having some qualification, by not saying they have to meet this threshold.

What our amendment says is, they have to have incurred at least a 35-percent loss to be eligible for benefits, even in those counties declared disaster. There is no discretion in that regard in the Cochran amendment.

I yield 2 minutes to the distinguished Senator from Wisconsin.

Mr. KOHL. Madam President, I rise in support of the amendment being offered by Senator DASCHLE to provide much-needed assistance to our Nation's farmers who have been hard hit by a series of natural disasters, notably severe drought that has destroyed crops and harmed livestock operations in many States. Although my State of Wisconsin has not suffered the losses that most other farm States have faced these last 2 years, wise, Wisconsin farmers have been hurt by natural disasters in the past and probably will be

again in the future. And until we come up with an agriculture policy that protects farmers from ruin when drought, or floods, or tornadoes, or disease strikes, Wisconsin will stand by other farm States as they seek disaster assistance.

Before I yield the floor to other Senators who would like to speak on this amendment, I would like to take a moment to briefly comment on the fiscal year 2003 appropriations bill for Agriculture, Rural Development and Related Agencies. First I commend Senator COCHRAN on the job he has done, given the tough fiscal restraints he was facing. It is never easy to cut funding and balance multiple priorities, and I believe Senator COCHRAN has done good work, given the circumstances.

However, there are two items that have been taken out of the bill as it was originally written, which I believe warrant mention, and reconsideration.

The bill before us no longer funds an expansion of the Summer Food Service Program. This increase would have expanded to all 50 States a successful 13 State pilot program to streamline the process of setting up a summer feeding site. A report released this summer found that the 13 pilot States increased their participation in the SFSP by 8.9 percent between July 2000 and July 2001. Participation in the rest of the Nation decreased by approximately 3.3 percent during the same time period. I have an amendment to restore the funding for this important program.

I also have an amendment to fund a program authorized in the 2002 Farm Bill and funded in the Agriculture Appropriations bill passed out of committee last July. The program, initiated by the Girl Scouts of the USA, Boy Scouts of America, National FFA Organization, and National 4-H Council, allows these experienced and very successful youth organizations to increase their presence in remote rural communities. As we pare back on funds for education and other federal initiatives for our children, we should not also cripple private efforts to bring programs like Girl Scouts, Boy Scouts, 4-H and Future Farmers of America to our underserved rural youth.

Again, I thank Senator COCHRAN and his staff for their hard work. Overall, I believe this is a good bill, and I look forward to working together to try and restore the items I just mentioned in a fiscally responsible manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Madam President, I yield 3 minutes to the distinguished Senator from Nebraska, Mr. HAGEL.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

Madam President, I rise in support of drought disaster aid for America's drought-stricken agricultural producers and to support the Cochran amendment to the omnibus appropriations bill.

I wish to also express my thanks to Chairman STEVENS, Chairman COCHRAN, and their staffs for their hard work and especially for finding the necessary critical funding to offset the spending in the bill.

Those of us in drought-stricken States have known for many months that our farmers and ranchers needed assistance. Unfortunately, in a year when 80 percent of U.S. counties were declared a disaster, the House and Senate adjourned last November with neither Chamber having passed 2002 drought aid.

There is no doubt that disaster relief is justified. In Nebraska, only the Dust Bowl years of 1934 and 1936 were dryer than what the State experienced last summer. Since autumn, conditions have only worsened throughout much of the Plains, as well as most of the West and Southwest. This has been one of the driest winters in these regions in more than 100 years.

Nebraska officials are becoming increasingly concerned about irrigation resources for the upcoming growing season. The water level at Lake McConaughy, Nebraska's largest reservoir, is 60 percent below capacity.

With the Federal budget deficit projected to balloon near \$300 billion in this fiscal year, Congress must demonstrate fiscal responsibility. The days of budget surpluses are gone, but at the same time we must turn our attention to this much-needed drought assistance.

Under this proposal, the Cochran amendment, disaster payments would get more attention more quickly than under the old crop disaster formula, and we would help a larger number of farmers and ranchers.

Months ago, the President made it clear that any disaster aid for agriculture must be offset. Last week, White House agriculture adviser Chuck Conner reiterated this requirement, telling farm groups that all disaster aid proposals would be judged upon three criteria: One, cost; two, available budget offsets; and, three, whether farmers would be more self-reliant in the end. The Cochran amendment complies with the President's request.

I urge my colleagues to support the proposal of the chairman of the Agriculture Committee. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I yield 4 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Madam President, I thank Senator DASCHLE for his leadership on this amendment and express my high regard for Senator COCHRAN as well. We now find ourselves in a circumstance where the drought has gone on for 2001 and 2002 across much of this country, including in South Dakota, and it has been devastating. There has been a \$2 billion loss to South Dakota's economy alone based on numbers from South Dakota State University.

There is a need for urgent relief and comprehensive relief. We had 79 votes in this body for a \$6 billion package last year. Now we find ourselves in a circumstance where we are being told about fiscal constraints and yet the White House and our colleagues on the other side of the aisle are telling us they are willing to borrow \$674 billion over the coming decade—\$108 billion this next year—for a so-called tax relief plan, but we do not have the resources for a comprehensive \$6 billion drought relief bill in rural America.

If ever there was an initiative that would stimulate the economy of rural America, it is the comprehensive \$6 billion amendment before us today, and it would fit very nicely within the context of the enormous stimulus initiative coming to us from the White House and from our colleagues.

While I appreciate the work that has gone into the alternative bill presented by the Senator from Mississippi, it is half the money. With respect to aid for livestock producers, arguably the hardest hit, \$1.5 billion would be available for livestock under the bill I support and Senator DASCHLE supports as opposed to only \$250 million under the alternative version.

By applying the AMTA payments, we wind up with gross inequities in the plan offered by the other side. In one of my counties, for instance, it is a primary disaster area, but it has been determined that just 23 percent of its 1,200 farmers have experienced crop or hay losses meeting or exceeding the 30-percent threshold that normally triggers disaster relief. That means 77 percent of the farmers in that disaster county have not experienced significant crop or hay losses but will still get an AMTA payment from the alternative plan.

Meanwhile, a rancher in a western county in South Dakota with whom I spoke this morning said his average AMTA payment is just \$250 per year because he is primarily a cattle producer. Under the alternative plan, he would receive a \$250 AMTA payment, which would purchase just a couple bales of hay, and be forced to compete with other producers for just \$250 million annually remaining for livestock producers, and that is spread across the entire country.

On top of that, under the alternative plan, producers must pick drought payments from 2001 or 2002, but not from both, and there is concern over a \$10 million grant for Texas farmers and \$50 million carved out for cotton as opposed to the comprehensive crop loss coverage under the Daschle bill that I am cosponsoring.

Simply put, the amendment I have cosponsored provides real, comprehensive aid to crop farmers and livestock producers who suffered actual losses to the drought or other natural disasters. The alternative plan provides aid to producers regardless of loss. It simply is not fair.

It ought to be apparent which bill provides the real assistance and real

relief. We are seeing a hemorrhage of farmers and ranchers off the land. It hits the youngest producers worst. Those least capitalized are least able to sustain their operations throughout all of this crisis. We have rancher after rancher who have liquidated their animals. Young people are leaving the land. We are falling below the critical mass of population in many of our rural areas to sustain basic rural institutions.

At a time when this body is debating economic stimulus, I can think of no other initiative that would do more for rural America than this \$6 billion drought bill in the context of the \$108 billion that has been proposed by the White House as economic stimulus for this year alone.

It makes sense for this initiative to pass now. I ask support of the Daschle amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. COCHRAN. Madam President, I yield 5 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

Madam President, I thank Senator COCHRAN for all his amendment does to deal with the drought and the severe crises in the agricultural community in our country.

I want to specifically speak about a part of this amendment that affects my home State and thank him for the support he has given to the farmers who live in south Texas and who are suffering because Mexico has refused to meet its requirements under the 1944 water treaty with the United States.

Farmers, families, and communities in the Rio Grande Valley of Texas have suffered devastating economic losses due to Mexico's refusal to comply with this treaty. The treaty obligates Mexico to allow an average of 350,000 acre feet of water to flow into the Rio Grande River annually for the United States, while obligating the United States to allow an average of 1.5 million acre feet of water to flow to Mexico from the Colorado River.

Even during the hardest times, since 1944 America has strictly complied with its obligations under the treaty of 1944, but Mexico has accrued a deficit of 1.5 million acre feet. Mexico claims that drought conditions in Chihuahua prevented it from releasing Rio Conchos water into the Rio Grande. However, Mexico's agricultural production in Chihuahua has blossomed.

Recent reports by Texas A&M University's Extension Service, accompanied by NASA satellite photographs from the University of Texas, document Mexico's increased use of irrigation water to promote high value water-dependent crops such as corn, oats, forage, and vegetables in the state of Chihuahua. We can see from this satellite photograph the Madero Reservoir's water storage is at 14-per-

cent capacity on June 25 of 2002. Even during the low 14-percent water storage, Mexico continued to irrigate its fields. However, two months later, August 28, 2002, the Madero's water storage has risen to 75 percent of its total capacity and we still couldn't get Mexico to comply with the treaty and fully deliver its water obligations to South Texas this year.

We cannot stand by and allow our farmers and ranchers to suffer because an international treaty is not being met. This satellite image clearly shows Mexico is holding the water it owes the U.S. While its reserves are full, Mexico only delivers the bare minimum this year. Furthermore, Mexico is making no effort to repay its debt. I find it incomprehensible that Mexico would not even comply this year when it clearly has the water available.

Mexico's domestic agricultural production is flourishing with U.S. treaty obligated water while the Rio Grande Valley in Texas is suffering from a decline of more than 100,000 acres of farmland, nearly a \$1 billion net loss to the regional economy and 30,000 lost jobs.

Many agricultural operations have been forced to go out of business and many are expected to fail unless the United States can resolve this issue immediately. Agricultural production and its allied industries are the economic engines of south Texas. It is one of the few weapons that south Texas has to combat—unemployment and poverty. The United States cannot afford to stand by and allow Mexico's destruction of an American industry and the communities and people whose survival depend on it.

Mexico needs to change its water management practices. I have urged the President to press Mexico to immediately comply with its obligations, and the President has done so. He has repeatedly talked to the President of Mexico, as have I, and many others. If Mexico continues its refusal to comply with the 1944 water treaty, I think the United States must consider renegotiating this treaty with Mexico and taking into consideration the 1.5 million acre feet of water that we are sending to Mexico every year from the Colorado River.

Texas has suffered severe losses and the Rio Grande Valley's economic viability and livelihood depend on this water. The United States has a duty to either force Mexico to deliver the water to South Texas or compensate Texas families who are paying the price for this abrogation of the treaty.

Senator COCHRAN's amendment has \$10 million that would be available for grants through the Texas Department of Agriculture—

The PRESIDING OFFICER. The Senator has used her 5 minutes.

Mrs. HUTCHISON. To help these farmers stay in business. I thank the Senator for helping us get through this hard time while we try to make Mexico keep its commitments.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I yield 4 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I thank the Democratic leader for this time to speak about the need for disaster relief, and I commend my good friend and colleague from Mississippi, the chair of the Senate Agriculture Committee, for bringing forth his proposal.

The debate today is not simply about disaster relief. It is about economic stimulus, and it looks to me as if the debate has already begun. Part of the stimulus package will involve tax cuts. Obviously, for a State such as Nebraska, tax cuts can be helpful, but to many farmers and ranchers who have no taxable income, who are about to lose their farms, who are about to lose their ranches and everything they have owned and that has been in the family for generations, a tax cut simply is not going to be enough.

That is not an argument against the tax cut. It is an argument real stimulus. It is an argument in favor of disaster relief.

Let's put a face on this problem. Let's go to southwest Nebraska, my home area, not far from Saint Francis, KS, where the distinguished Democratic leader's wife hails from. Randy Peters, who lives on his family farm that has been in the family for generations, when I say, look, we are getting you tax cuts, he will say, I appreciate that, Senator, that is nice. I then say, maybe part of the package will be eliminating the taxes on your dividends, and he says, that is great but, Senator, but the problem is that right now I do not have any taxable income. I spent all my savings on the farm and so I do not even have any dividends to be sheltered, and besides they are raising my taxes in Lincoln. What can you do to help me?

I say to him and I say to my colleagues, the best way we can help those who are experiencing the ravages of this drought is to simply move forward and pass enough in disaster relief to take care of the problem.

I have heard, and I suspect it will be suggested, that something is better than nothing. I agree, something is better than nothing, but in this case, something is just not good enough. We ought to be talking about how we are going to do something that is good enough to take care of those who are having this unfortunate experience we are seeing today.

There seems to be no relief in sight from the drought. Every forecast, every suggestion for the future, indicates an indefinite drought, but there can be financial relief if we will step forward and make sure we provide for enough, not less than what is required.

As we debate the whole area of economic stimulus, I hope we are not going to be in a position where we say

to the White House, we know something is better than nothing and they know something is better than nothing. But we are not going to be able to do everything that is necessary because if we are going to require offsets consistently whether it is disaster relief or other spending, then I suppose the question has to be raised: Where is the offset on the stimulus package? If that is the case, maybe there is not enough. Something, of course, is better than nothing.

I do not want to make that argument then, and I do not want to hear that argument now, because something is better than nothing, we understand that. But when it is not good enough, we ought to strive towards making sure we can look Randy Peters and the family farmers and ranchers across this Nation who are experiencing these challenges in the eye and say we have done what we can do and it is not just a half a loaf to feed you for a very short period of time. Let's do enough to make sure we take care of our agricultural needs for the future.

There is not a better way to take care of rural America than to make sure our farmers and our ranchers do not lose their farms and ranches as an experience of this drought that continues today. It is not over. I have termed it "Drought David" as one way of getting it some attention so it has an identity. What I want to do is make sure we take care of those farmers and ranchers whose identity may be a little bit unknown in the hallowed Halls of the Capitol but whose pain is being felt.

The PRESIDING OFFICER. The Senator has used 4 minutes.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, I am pleased to yield 3 minutes to the distinguished Senator from Wyoming, Mr. THOMAS.

Mr. THOMAS. I rise to support this disaster assistance, one of the things that is most important for us to deal with in the area I come from.

I thank the chairman of the committee for putting this bill forward and going back and making it fit the need. We have to send relief to people who have had real disasters. I thank also the Democrat leader for his work. He has worked on it for some time.

We do need, of course, to have balance in our spending. We need to have some control. We know that. We have to be reasonable about how we do that.

In Wyoming, this is probably the third year of drought. Fortunately, up until this last year, we generally had runoff and the irrigating systems worked reasonably well. This year that is less the case. We do not have the kind of storage we have had in the past. We need to deal with this issue.

In Wyoming, livestock is at least equally important as the crops. We need to adjust that, which has been done here, to make sure livestock is recognized as well.

We have had natural disasters throughout the country. We have had

tax relief. That is good. But in many cases tax relief is not sufficient because there is no income to tax. We had a farm bill this year which changed things. We had an unworkable insurance program. We need to do something about that so it does work.

We also now have a farm program that is based on loans for crops. If you do not have a crop, you do not benefit from the farm program. That has been difficult.

I am pleased we do have an option. We did have a year ago the opportunity and did vote for a disaster bill at that time. Frankly, it seemed at the time and still seems that it is very unlikely to pass. We have to have some results as opposed to just talking about it. That is what we are talking about, something that we can complete for the people throughout the country.

This bill is a good bill. The Cochran amendment moves the money quickly to those who need it. It goes to those who are needy and have had losses. That is very important.

It does include livestock. We need that, certainly. Also, it is the kind of budget recognition we need. It has an offset. I urge our support of the Cochran amendment.

Mr. DASCHLE. I yield 4 minutes to the distinguished Senator from Montana.

Mr. BAUCUS. Madam President, I hope my colleagues listen to what I have to say. We all are talking about the need for disaster assistance. That is undisputed. There are provisions in the Cochran amendment which do partially address natural disaster, particularly drought disaster, in our country. I say partially. That is wonderful. That is fine.

I am quite confident the provisions that have helped Texas producers are needed. I also understand in some parts of the country a natural disaster occurred, say, in 2002—not 2001. And the amendment before the Senate, the Cochran amendment, provides 1 year, for 2002. I can understand why some of my colleagues are in favor of the Cochran amendment because it helps them, it helps their producers.

Madam President, I can understand why there are tobacco provisions in the Cochran amendment. I am sure the producers in North Carolina and South Carolina will get significant benefit from the tobacco provisions. For all I know, it is well intended and deserved and they should have it.

We are talking here about a natural disaster. Mother Nature does not pick and choose years—2001 or 2002. Mother Nature does not choose which parts of the country it will affect or not affect. Mother Nature does not choose which farms in a certain county will be hit by disaster and which farms in the county are not hit.

I start with the good news. Fortunately, the Cochran amendment provides assistance to those parts of America that have experienced natural disasters. That is good.

Unfortunately, the Cochran amendment does not provide assistance to those other farmers who have experienced disaster in a different way, those who got hit by disaster in 2001. Nebraska is 2002. Kansas is 2002. My State of Montana is 2002, but it is also 2001. There are several years of disaster.

The amendment offered by the Senator from South Dakota is designed to help fairly producers across the country who have experienced natural disasters, irrespective of where they are, irrespective of whether they are in a certain county which on average may have 35-percent loss or not.

The Cochran amendment is unfair. It helps some producers who have not experienced disasters. That is wrong. The Daschle amendment helps producers who have experienced disasters. That is fair. That is right.

I only wish the Senators from Mississippi, North Carolina, and other Senators would come to the high plain States and see what a disaster we have. It is sad. It is stunning. It is despairing. It is so sad, looking in people's eyes. Thousands are leaving their places; they are drying up. It is worse this year even than last year, thus far. It may rain some more; we do not know.

We, across America, have a big heart. We help Americans who need help. We have helped those who have experienced hurricane losses. We helped those with earthquake damage, say, in California or New York in the Trade Towers. We knew intuitively that is what you do.

I say to my colleagues and all those who are helped, remember those who are not sufficiently helped.

To sum up in one sentence, we are talking about a few billion. That does not affect the outyear budget deficit. We can always make adjustments. We are all concerned about the deficit. Help our people who need help. In many parts of our country we need help desperately. I urge colleagues to put aside the partisanship and do what is right for America and vote for farmers who need the help, help offered in the amendment of the Senator from South Dakota.

Mr. COCHRAN. Madam President, I yield 10 minutes to the distinguished Senator from Kansas, Mr. ROBERTS.

Mr. ROBERTS. I thank the distinguished chairman of the Senate Agriculture Committee for yielding time to me.

Everyone understands, on a bipartisan basis, I say to the distinguished Senator from Montana, that we are not in very good shape with regard to farm country. It does not matter if you have been hit by hurricane, flood, or record-breaking drought.

Last spring, I warned this is exactly what would happen because the current farm bill was structured to provide assistance to producers when they had a crop, but left them dangling in the Kansas, Wyoming, Nebraska, and Montana wind when there was no crop to

harvest, not to mention other parts of the country suffering these kind of weather disasters.

It seems to me, and maybe I took it a little personal, we will not get into partisanship because we have to accomplish some degree of relief, but I was criticized on the floor of the Senate last spring. They said I didn't know anything about agriculture because producers with high prices are just fine and need no Government assistance.

Well, as everyone here knows, with the wheat, sorghum, corn, and soybean prices have experienced the highest levels in the last few years, but like most of the producers in Kansas or throughout the Great Plains or in other sections of the country, it does not do much good if all the producer had to harvest was a dust cloud. Prices are high because the drought cut production and supply.

What are we going to do about this? We heard that we have one approach that is \$6 billion. I question that, really. Not in regard to the intent of the distinguished Senators who brought it forward, but if my second-degree amendment to the \$6 billion bill as of last year was \$2.9 billion, an amendment that was not allowed because of some parliamentary maneuvers, now costs \$4.03 billion, I have to assume that the \$6 billion is probably closer to \$7 billion or \$8 billion.

But that is not really the issue. The issue is the chairman of the Agriculture Committee really brought forth this amendment and worked with many of us to ensure that we are directing the bulk of assistance to those areas that have actually experienced the crop losses in recent years.

This past year in Kansas, we have really gone through a very difficult time. Kansas State University estimates the crop losses in the State at over \$1 billion. Thankfully, these have been partially offset by \$406 million in crop insurance indemnity payments. That is the other half of the equation, and yes we had to improve the crop insurance program in 2000 but thank goodness for that.

But the losses are very substantial. Livestock losses total over \$300 million in Kansas; 26 percent of pasture conditions are rated poor to very poor. We have seen a winter, in many parts, the driest on record. And net farm income is forecast to be approximately \$10,000. When all is figured in for 2002, this is estimated to represent a shortfall of about \$35,000 in simply meeting family living expenses.

On top of all this, the total government payments on the 2002 crop were estimated to be 60 percent less than received in 2001.

That is right. Under this farm bill described by the other side as the best farm bill ever—the greatest farm bill ever, pardon me—our Kansas producers have seen a drop of 60 percent in government assistance because it is a price support program. We have high prices but no income support. That is why we

are back again, despite the predictions that we would not have another disaster bill.

I heard from many bankers who say there will be no next year for many of our producers unless we grant relief. You know, you can't take issues and promises to the bank. That is what we have. Issues do not pay bills. Promises do not pay bills. Debate will not pay bills. We need to give them hope and an assistance package that can actually pass.

Everyone here knows that the House of Representatives will not pass the proposal that has been put forth by my good friends on the other side of the aisle. It will not pass the House. There are many reasons for that: Budget reasons, any other reason you can come up with. Some sections of agriculture who do not want to open up the farm bill. It will not pass the House. It will not be signed into law by the President of the United States. That is a given.

We can argue the merits of that and the politics of that. We did all last year. But now is not the time to keep arguing about that. Put politics aside. It is not the best bill that I could possibly write or that the distinguished Senator from Mississippi could write, but it is a bill that will be passed by the House and signed into law by the President.

As I said, the amendment is not perfect, but it does give them hope. It targets assistance to those areas which were actually declared a disaster area. It provides vital livestock assistance that will aid producers throughout the country. It provides assistance for specialty crops. And it does replenish some of the section 22 account so these funds can be used for nutrition programs and purchase programs for specialty crops and the meat sector.

It doesn't bust the budget; it is paid for. It doesn't take any money out of the agriculture baseline.

The back of the envelop math is \$190 million for Kansas. I don't know what it is for the other States that are represented here on the floor. But it is substantial. Is it enough? We can argue that all day long. But this is a decision whether we have \$190 million that goes to Kansas, hard-hit Kansas producers and livestock producers, or nothing. So that is the issue.

Coming pretty close to the truth is coming pretty close, but it is still not the truth, and that is the truth. We could have an issue or a bill. Our farmers are sick and tired of being sick and tired. It may well be that if it doesn't rain, we will be back here again later on this year to try to fix the farm bill, do some technical correction, or come with additional assistance. I don't know. But right now you had better pass this \$3.1 billion package put together by the distinguished Senator from Mississippi and backed by some of us who want something as opposed to nothing. That is the way it is.

I yield the floor.

Mr. DASCHLE. I yield 5 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, this is a very disappointing debate. It seems to me, at least, in this Chamber these days, when the big interests have something they need to move through, it moves through like a greased pig, no problem at all. Today we are talking about family farmers. It is a little more difficult.

It is interesting to me to see people who, last year, with 79 votes, many of them participating in the 79 votes to support nearly \$6 billion in relief for family farmers—help for family farmers to offset the disasters they faced—now are saying somehow that is ill advised. They say the President wouldn't sign this. I will tell you this. The President cannot sign a bill he won't get. The quick way to decide the President won't get a bill is to decide he won't support the \$6 billion that is needed.

I have heard this "half a loaf" nonsense forever—a half a loaf is better. The fact is it is only a half a loaf when it comes to the little guy. I am talking about people who raise families and raise food out on the family farm. They live under the yard light, take all the risks and hope it rains, but not too much, hope the insects don't come, hope the crop disease doesn't come, hope it doesn't hail, and hope, if they get a crop, they are able to sell it at a decent price. They take all those risks, and then a disaster happens.

Let me show this disaster. This chart shows widespread extreme drought in a significant part of our country. This poster shows two different scenes in my State. This farmer is standing on farmland, but of course you can't grow on farmland inundated with water. In the same State, this farmer stands on ranchland with not a bit of vegetation. It looks like a moonscape.

Is this a disaster? Half a loaf? We can't afford to do what is necessary? Watch the talk here in this Chamber when it comes to tax cuts for those at the top of the income ladder. The sky is the limit. We don't have to offset that. Borrow the money. Give them more tax cuts. When it comes to the families out there trying to make a living, hit by a disaster they didn't cause, all of a sudden we hear all this refrain: What about an offset? What about an offset?

I know where this comes from. It comes from the White House. The President doesn't want to sign this bill. He came to my State and said to family farmers: When you need me, I'll be there. We need him, and he is not there. I think we ought to send him a bill that doesn't represent the half a loaf.

We have two choices today. One is the bill the Senate has already passed by 79 votes. If the same people who believed disaster relief was needed then

still feel the same way about family farmers, then we will pass this amendment. But if you believe we really can't do that because we need to make room for tax cuts for upper income folks—which are not offset; we will borrow the money for that—if you feel that way, if that is the choice you want to make, then don't vote for this; vote for the Cochran amendment. But I tell you, it is disappointing.

Good enough. You know. Throw somebody drowning under 20 feet of water 10 feet of rope and say: I am being a good Samaritan here. It is not being a good Samaritan, in my judgment, for the policy choice to say those economic All-Stars—who live on America's farms, who produce food for a hungry world—are not worthy, when it comes to disaster, to get the full measure of support from this country for what they do.

The operative question is, Do we want family farmers in our future? Do we care about who farms? Some don't. Some say the agrifactories can produce milk—4,000 cows a day 3 times a day—farm the entire county, get \$25 million from a farm bill that pays the big interests.

It is not what I want to be doing. I want this Congress to recognize that when disaster strikes family farmers, we stand with family farmers. We want to help. Why? Because we want a future in which families can live on the land in this country and raise food for a hungry world.

I just do not understand at all. There are people watching this debate today, who have just spent time with their bankers and their lenders, who are not going to be able to go into the field next spring, who are going to have to sell their livestock if we don't pass good disaster relief, if we don't pass the kind of disaster relief that is available in the amendment we have offered.

They wait, wondering: Will I be able to continue to farm? They call our offices, and some weep, saying: We have done this all of our life. We are not frivolous in spending money. We have done the best job we can, and we are going broke through no fault of our own. The drought has devastated our family, devastated our farm, and we need help.

In previous years, this country has said: In these circumstances, let us lend a helping hand. Let us extend our hand to say we care about you and we want you to remain on the family farm. The only way that is going to happen is if we pass the bill introduced by my colleague, Senator DASCHLE, and others of us, to make this disaster relief work for family farmers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I yield 3 minutes to the distinguished Senator from Idaho, Mr. CRAIG.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I thank the chairman of the Appropria-

tions subcommittee, Senator COCHRAN, for working with all of us to reshape the legislation to fit those and to compensate those and help those who truly have lost through disaster.

That is exactly what the Cochran amendment now does. In so shaping that, we are also able to fit in those livestock farmers and ranchers who lost grazing and need some more assistance for food supplementation and hay supplementation for their livestock. We already provided them in October with substantial assistance. This is in addition to that.

I am not a midwesterner. I can't talk about the extent of the drought down in the Midwest as my colleague from North Dakota just did. But I can tell you that the 44 counties of Idaho which are split by two time zones, three air sheds, and three different moisture patterns did rather well this year. With commodity prices up, they are doing better than they probably had anticipated they would at the beginning of this crop season a year ago. But 27 counties did experience extreme drought conditions. They do mostly irrigation there. The pastureland and the grazing lands there were badly damaged and livestock had to be brought in early. High-priced hay had to be purchased to feed the livestock in order to sustain or maintain the family operation. That drove up the cost of hay for the dairy farmer. While none of this goes to the dairy farmer, his costs of operation have gone up substantially.

What I think we have to recognize is what we do is a balance in the first instance. What we ought to be doing is dealing with those who truly experienced loss through natural disaster, as the Cochran amendment now does. That is what is important. That is what we ought to be about.

We have a farm bill that some of us voted for and some didn't. I can tell you it is probably not the farm bill I would have written. But we now have it. There are those in the Chamber who will claim it is their work product and that we are working to implement it and make it work. We ought not just be constantly adding to it and having it become the second largest income source for American agriculture. It doesn't work very well if we are the ones who they end up depending upon mostly. But when a natural disaster strikes—whether it be a drought or a hurricane or too much water and a flood—that is what we do best. And that is what we ought to be about.

That is exactly what the Senator from Mississippi and I and others are attempting to address in the Cochran amendment. Yes. Money will come to Idaho—not as much as to others. But I believe this is a balanced and appropriate way to deal with a bill that will get to the President's desk and that will be signed.

Mr. LEVIN. Mr. President, I would like to express my support for the amendment that has been introduced

by our distinguished Democratic leader. This amendment reflects the disaster assistance packages that the Senate passed three times last year, but in each of these cases the House of Representatives failed to go along with these measures. Most convincingly, this amendment last passed the Senate by a vote of 79-16. I cosponsored that amendment as well because it provided much needed assistance to our Nation's farmers who have suffered significant crop losses during the past 2 crop years. Farmers throughout the Nation have suffered great losses, and farmers in my home State of Michigan have been among those who have suffered most.

Two years of statewide crop failure have threatened the viability of many of Michigan's farmers, and this amendment strives to address the losses suffered by growers in the 2001 and 2002 growing years. Over the past 2 years, some farmers faced early warm temperatures followed by freezing conditions. For others, torrential rains came early in the growing season and were followed by long droughts. Still other farmers faced drought conditions at the start of the crop year and heavy rains at harvest time.

Last year, USDA Secretary Ann Veneman recognized the atypical weather conditions that greatly diminished crop production in Michigan by designating all of Michigan's 83 counties as disaster areas. If that was not bad enough, Secretary Veneman designated 82 of Michigan's 83 counties as official disaster areas in 2001.

Michigan is one of the Nation's most diverse States in terms of the sheer breadth and number of crops grown in it, and growers of many crops have been affected by adverse weather conditions. Total losses for Michigan farmers for both 2001 and 2002 are roughly estimated at \$314 million. For 2 years, I have met with many farmers who want to know if they will receive assistance. Assistance is what farmers in Michigan and throughout the Nation need.

Last year, cherry farmers in Michigan lost upwards of 95 percent of their crops, a level that threatens to devastate Michigan and the Nation's cherry industry, given that Michigan produces over 70 percent of the tart cherries in the Nation. Last summer, I had the opportunity to visit with cherry growers in Michigan and listen to them as they told me how this year's crop losses were the worst that the industry had ever suffered since crop records have been kept. Additionally, 80 percent of all Michigan apple farmers have lost upwards of 40 percent of their crop this year.

In 2001, farmers in just one area of Michigan, which is one of the leading dry bean producing regions in the Nation, lost 85 percent of their bean crop. Due to severe drought, bean growers who export every other row they grow, lost 85 percent of their crops.

Across the state, in the southwest corner of Michigan, Labrusca grape

growers lost 80 percent of their crop and they suffered similar losses this year. While the losses suffered by bean and grape growers are particularly severe, they are not the only crops to have suffered drastic losses.

Approximately 25 percent of apple growers in Michigan and across the Nation are in danger of going out of business in the next 2 years, and in Michigan that means that our cherry, peach, and asparagus crops, which are often grown on the same orchards as apples, will be greatly decreased. Orchard communities around the country have been devastated. Orchard operators still have very high operating expenses even if they do not harvest a crop. Orchards must be tended to all year long. Activities such as pruning and spraying are expensive to conduct, but they must be done even when there is no crop.

As farmers have left the business, small businesses and cooperatives that have been around for generations have also gone out of business, and local governments have lost significant tax revenue. This assistance will allow many growers to reduce debt and get private bank or USDA loans for the next growing season. This assistance for will give farmers the shot in the arm they need to recover from several years of low prices. This aid is the economic stimulus package for rural America.

Our Nation's farmers have not shared in the prosperity which many Americans have experienced over the past decade. No one, least of all America's farmers, likes the fact that annual emergency agriculture supplementals have seemingly become routine.

Yet, we must provide this assistance if we are to address the problems facing farmers throughout the Nation. Several growers have told me that the crop losses they suffered this past year were so severe that without emergency assistance they will most likely lose their farms. This assistance is not the answer to the problems facing our farmers and rural America, but it is an important part of an effort to keep families on their farms. I thank the Senator for South Dakota for his efforts in offering this amendment.

Mrs. CLINTON. Mr. President, I would like to express my support of the amendment introduced by my colleague, Mr. DASCHLE, because it provides emergency disaster relief to farmers. During the past 2 years, Mother Nature has not been kind to farmers and bad weather has devastated their crops and threatened the survival of family farms.

New York State experienced statewide drought this past growing season. Farmers across the State have struggled with lower crop yields and higher feed prices for their livestock. Fifty-five counties in the State have been designated as primary disaster counties by the Secretary of Agriculture, which includes all of New York's agricultural counties.

But in New York, crop damage has not come solely from drought. Unsea-

sonably high temperatures in the spring followed by frost and hailstorms have devastated specialty crops such as such as apples, peaches, pears, grapes, strawberries, stone fruits, onions, and cherries. And the disasters have not just been limited to the 2002 crop year—many farmers in New York were also hurt because of adverse weather in 2001.

The unfortunate result of this disastrous weather is that a large percentage of these farmers, particularly those that produce specialty crops, are bordering on financial ruin. I have met with the farmers and growers of New York, and their stories are heart-breaking as they talk about bankruptcy and selling off their family's farm. For many specialty crops, adequate crop insurance that would cover more than catastrophic losses is not available. Crop disaster relief is truly needed to keep these farms going as well as the rural economies that they support. Time is running short for these hard-working families in New York, and they need our help.

The funding that Senator COCHRAN has proposed would give our farmers in New York and across the Nation the relief they need. While it provides a total of \$100 million for specialty crops, these funds are not focused on those who have incurred weather-related losses. In 2002 alone, New York's apple growers sustained damage of over \$80 million. The amount provided by Senator COCHRAN is not enough to address these losses and the tremendous needs of other New York crops—such as Labrusca grapes, peaches, pears, strawberries, stone fruits, onions, and cherries. And this says nothing to the financial needs of specialty crop producers across the entire country.

In addition, the amendment by Senator Cochran would not fully replenish section 32 funds that the administration took last year from programs designed to feed impoverished urban, suburban, and rural residents. Without fully replenishing these funds, the ability of nutrition and food aid programs to assist citizens in need may be compromised. New York has many in need of food aid, and I cannot stand by while this form of assistance is in jeopardy. The amendment proposed by Senator DASCHLE does address these needs, and that is why I ask my colleagues to support this emergency disaster assistance package.

I have worked with my colleagues in the past to pass legislation that would provide financial relief to farmers who have suffered losses due to natural disasters in 2001 or 2002. I supported the farm bill last year which included disaster aid. I cosponsored S. 2800, a bill that would provide emergency disaster assistance to agricultural producers. And I cosponsored the crop disaster amendment to the Interior Appropriations that passed with 79 votes.

In the 108th Congress, I have cosponsored S. 21, which would again provide emergency disaster assistance to agricultural producers as well as restore

section 32 funding. And I support Senator DASCHLE today, in his continued efforts on behalf of this Nation's farmers who have suffered disaster, our rural communities who depend upon farm incomes, and those in this Nation who are hungry.

Mr. KERRY. Mr. President, I would like to voice my support today for Senator DASCHLE's amendment which provides emergency disaster assistance for crop and livestock producers who have suffered losses during the 2001 and 2002 agriculture production years due to natural disasters.

For U.S. farmers and ranchers, the current production disaster is multifaceted. In many areas, drought has decimated crops and has reduced water supplies available for livestock. In other regions, farmers are experiencing crop destruction and reduced yields and quality due to flooding and an increased incidence of crop pests and diseases. Especially hard hit are the specialty crops such as apples, cherries, and grapes in the Great Lakes region, the Eastern States and the Pacific Northwest that suffered frost, freeze, and drought damage this season and adverse weather in 2001.

The negative economic impact of natural disasters to American agriculture and rural communities continues to grow. In my home State of Massachusetts, the cranberry industry suffered \$10 million loss in 2002 from drought alone. The situation across the Nation is the same: our farmers are in trouble and Congress needs to step in and provide assistance.

It is for those reasons I support the Daschle amendment. Unlike the Cochran amendment, it provides equitable disaster assistance to those producers—crop and specialty crop alike—who were impacted by disasters.

Mr. ENZI. Mr. President, I rise to speak in support of the Cochran amendment. This package is the result of a concentrated effort to provide speedy and targeted assistance to agricultural producers who have suffered from drought and other disasters.

At \$3.1 billion, the size of this package is not as large as what I have supported in the past. But the time has come to support and pass assistance in the Senate that our agricultural producers actually receive. The Senate passed drought assistance numerous times in 2001, but each time the provisions were stripped by the House.

Today we have an opportunity to pass desperately needed drought assistance that for the first time has a good chance of landing in producers' pockets and not in the trash can across the street. The President has consistently asked that drought assistance be offset and that it be budget neutral. This amendment is budget neutral.

The Cochran amendment targets assistance to producers in counties that have been declared primary disaster areas. It uses a mechanism to distribute the assistance that will not burden the FSA with another long sign

up period and excessive paperwork. It is an improvement over what is currently in the omnibus bill because it specifies \$250 million for the Livestock Assistance Program.

The Cochran amendment specifically benefits Wyoming producers in a number of ways. The amendment reimburses producers in my State that grazed their own Conservation Reserve Program acres this fall for the 25 percent reduction in their CRP payment. The amendment also provides \$80 million to sugar beet producers who have suffered production losses in the 2002 crop year. Many of those sugar beet producers live in my State. I know they will be grateful for the assistance that will help them maintain a number of sugar beet cooperatives.

Wyoming's current drought situation is serious. Because the need is so great, I will support the Cochran amendment. It is better to provide a simple meal to a starving man than promise a feast and not deliver.

I urge my colleagues to support the Cochran amendment and responsibly provide drought assistance to the people who have waited so long.

Mr. BAUCUS. Mr. President, last week, I saw that \$3.1 billion was included for drought assistance in the omnibus funding bill. It was a good way to start the day, until I started to dig deeper. Montana producers will not receive meaningful relief from these funds.

I am fighting today for full funding for both 2001 and 2002 for the crop disaster program, livestock assistance program, and the American Indian livestock feed program that 79 Members of the Senate agreed to on September 10, 2002.

I have spent a lot of time visiting producers on their farms and ranches in Montana. And each time I am stunned by the desperation in their voices and in their eyes, stunned by the way the winds are blowing away their topsoil and their herds are getting smaller and smaller.

I cannot stress how important it is that we quickly pass meaningful drought disaster assistance. The unrelenting drought in Montana has brought economic hardship to our agriculture producers and our rural communities.

The same way we use emergency funds to rebuild communities hurt by tornadoes and hurricanes, we should use emergency funds to rebuild our communities hurt by drought. There is no reason that a double standard should apply to agriculture.

And the situation has become even more devastating, since many of these regions are suffering their third, fourth, or fifth year of consecutive drought conditions.

According to the New York Times on May 3, 2002, "In eastern Montana, more than a thousand wheat farmers have called it quits rather than trying to coax another crop out of the ground that has received less rain over the last

12 months than many deserts get in a year."

It is anticipated that another 1,300 Montana wheat producers will call it quits if disaster assistance is not provided.

The effects of the drought have gone beyond our farmers and ranchers. Businesses are closing their doors, employees are being laid off, and main streets are literally drying up.

According to Dale Schuler, past president of Montana Grain Growers and a farmer in Choteau County, MT, nearly 2,000 square miles of crop in his area of central Montana have gone unharvested. That is an area the size of Delaware. "Farmers and our families have not had the means to repay our operating loans, let alone buy inputs to plant the crop for the coming year."

Dale added, "Chouteau County is the largest farming county in Montana, and yet our last farm equipment dealer had no choice but to close his doors, our local co-op closed its tire shop, one farm fuel supplier quit, and the fertilizer dealers and grain elevators are laying off workers. I believe that we are set to see a mass exodus from Montana that has not been seen since the Great Depression of the 1930's."

On September 3, 2002, the Wall Street Journal printed an article that stated that, "the U.S. may be looking at the most expensive drought in its history, inflicting economic damage far beyond the Farm Belt."

Loans have been made with the understanding that Congress was going to provide disaster assistance because as a country and a Government that is what we as Americans do. We rush to provide assistance to victims of hurricanes and tornadoes. As we all know, that is not what has occurred with the drought.

Now we have bankers who are desperately trying to not call loans due and producers who are desperately trying to scrape enough together to make the bank hold on just a little longer.

Producers are considering selling parcels of land or pieces of equipment that they have considered vital to their operation. They will do it if it means that they can keep the farm or ranch that their family has been working for generations. Scraping that money together has never been more difficult as most of the potential buyers are in similar financial straits.

The devastation of this drought does not end at the front door of our rural homes. The enormous economic toll of this relentless drought on our communities will take years to recover.

However, the toll on our rural families is irreparable. Incidents of domestic abuse, suicides, and alcoholism have increased significantly in the past 2 years. We must not continue to let our inability to uphold our responsibilities cripple rural communities any longer.

We cannot and must not continue to ignore the impacts of drought and the effect it has on our agricultural producers and our rural communities. Agricultural producers are every bit as

deserving of assistance for their suffering from the drought as the small business owner in Louisiana suffering from a hurricane.

I cannot urge more strongly my colleagues in the House and Senate to work together to pass full funding for natural disaster assistance for both 2001 and 2002. I, again, ask the President to live up to the words he spoke almost a year ago when he said that the agriculture economy is vital to the national economy. It is vital that we pass agriculture disaster assistance immediately to help our producers, to help our economy, and to help our Nation.

Mr. TALENT. Mr. President, I rise today in support of the agriculture disaster assistance funding included in the fiscal year 2003 omnibus appropriations bill. The farmers and ranchers in Missouri have suffered through bad weather and depressed prices, threatening their ability to stay in business. Agriculture is the cornerstone of the Missouri economy and I am pleased that the Senate was able to provide much needed assistance to these producers.

Over the past 3 years, the agriculture community has faced droughts, flooding and insect infestations that have damaged yields and reduced profits. This package provides a responsible level of assistance to those who have suffered or continue to suffer substantial losses as a result of natural disasters.

After months of political maneuvering, the Senate finally passed a new farm bill last year. This legislation provided increased economic resources, certainty, and stability across a wide range of agricultural and rural programs. However, the new farm bill is incapable of predicting and adequately dealing with natural disasters. The floods and droughts have deteriorated Missouri's agriculture production and exposed the shortcomings of these new farm programs.

I have heard from producers around Missouri. Our farmers need this additional assistance to secure their operating loans for the 2003 crop year. Agriculture producers and lenders can include this assistance in cashflow projections. This \$3.1 billion will give farmers great assistance as they make planting decisions for the upcoming crop year.

Depressed prices, falling farm income, weather disasters and unstable global markets present a host of challenges to production agriculture. This assistance, made through direct payments and the additional funds for the livestock compensation program, enables farmers in Missouri and across the country, to continue to produce the safest, most abundant and affordable food in the world.

I support this targeted disaster assistance measure that would bring great equity to Missouri's farmers and ranchers.

Mr. SARBANES. Mr. President, I rise today in strong support of the amend-

ment offered by the Senator from South Dakota to address the critical needs of our Nation's family farmers affected by natural disaster.

Over the past 2 years, farmers throughout the Nation have been devastated by periods of prolonged drought and other natural disasters. Last year, in my own State of Maryland, the drought was among the most destructive in our history. Over the summer, as I traveled through the rural areas of my State, I saw firsthand the damage that had been done. The fields were dry and the crops withered. According to the Department of Agriculture, corn production was down 42 percent from 2001 and both the corn crop and yield were the smallest in 14 years. Similarly, soybean production was down 46 percent from the previous year and the crop and yield were the worst in 15 years.

At the urging of the Maryland Congressional Delegation, the Secretary of Agriculture declared 21 of the State's 23 counties primary natural disaster areas. And, as a result, farmers in the disaster areas and the two contiguous counties became eligible for emergency loans. Unfortunately, for many farmers, taking on additional loans is just not possible.

The Daschle amendment will provide meaningful disaster relief to those farmers in Maryland and throughout the Nation. The amendment, similar to one that passed the Senate with my support and that of 78 of my colleagues in the last Congress, provides approximately \$6 billion in direct emergency disaster assistance to producers who have been directly impacted by drought or natural disaster. This amendment has the support of more than 40 farm, ranch, and rural organizations, including the American Farm Bureau Federation and the National Farmers Union.

In my view, this amendment will provide our farmers with a much needed safety net, one not included in the recently passed farm bill, that will allow them to maintain their livelihoods and their lands. I urge my colleagues to join me in supporting its passage.

Mr. LEAHY. Mr. President, I rise today to urge my colleagues to support the Daschle amendment providing emergency assistance to our Nation's family farmers suffering weather-related natural disaster losses in 2001 and 2002 and to oppose the Republican alternative.

The Daschle amendment offers several distinct advantages over the Republican alternative offered by Senator COCHRAN.

Unlike the Daschle amendment, the Republican alternative requires deep cuts in discretionary programs. And the cuts will have a dramatic impact on many Americans. This across-the-board cut would eliminate: 1,175 FBI Agents; 490 Food Safety Inspectors; 1,600 Customs inspectors, (fewer inspectors than pre 9/11); kick 2,722 children off early childhood education, (added

to original cuts totals 5,522 children); kick 224,689 women, infants and children off WIC; and leave 230,000 Veterans without medical services.

Never before has Congress insisted that emergency assistance be offset by cuts in other programs. We don't do this for hurricane relief. We shouldn't do it for drought relief.

Unlike the Daschle amendment, the Republican alternative doesn't target assistance to those who suffered from a disaster. In fact, it pays producers who did not suffer a disaster.

Historically, producers must show that they personally suffered a qualifying loss before receiving federal disaster assistance. But the Republican amendment does away with this important requirement.

So, under their proposal, if a single producer in a county suffers a qualifying loss, every producer in the county and every contiguous county will be eligible to receive a payment. It's wasteful and fails to ensure that those producers who really need the help get it.

Unlike the Daschle amendment, the Republican alternative fails to fully restore food assistance funds to the Section 32 account.

Back in September, the administration raided money set aside to buy food commodities for school lunches and our Nation's food banks to pay for the Livestock Compensation Program.

The payments to drought-stricken farmers were desperately needed, but the administration never should have taken these funds, which were specifically targeted for the hungry.

In his amendment, Senator COCHRAN recognizes the blatant unfairness of the administration's move and restored about half of the funds needed. But with our weak economy and growing food lines, now is not the time for half measures.

The Daschle amendment will put the food assistance program back on a sound financial footing, allowing soup kitchens and food banks to keep helping hungry families.

For these reasons, I urge my colleagues to support the Daschle amendment and to oppose the Republican alternative.

Mr. DASCHLE. Madam President, how much time remains?

The PRESIDING OFFICER. The Democrat leader has 13 minutes 31 seconds. The Senator from Mississippi has 8 minutes 25 seconds.

Mr. DASCHLE. Madam President, I yield 3 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, following up on what the distinguished Senator from Idaho was talking about—operating costs—in a State such as Michigan, which has great diversity, we have a very large number of fruit and vegetable growers. I remember hearing from Fred Tubbs who has 40 acres of cherries. He says even

though he lost his crop and even though he had been devastated this year, he has to continue to spray. He has to continue to have operational costs as well.

My grave concern about the Cochran amendment is so many of our farmers—particularly family farmers—have been left out of this amendment. People such as Fred Tubbs have—with operating costs whether or not they have a crop.

We have two choices in front of us: The Daschle amendment and the Cochran amendment. The Cochran amendment is not a disaster package. That is very clear. There are farmers who did not have a disaster and may have had a bumper crop who will be helped under this amendment. States that have seen devastation in crops such as soy beans would be helped under this provision. But grape growers, apple growers, cherry growers, asparagus, peaches, plums—all of those fruit and vegetable growers who have been devastated in my State would not receive assistance under this plan.

There is a small provision in the Cochran amendment that would provide \$100 million set aside for fruits and vegetables. I will just share with my colleagues that in Michigan alone the fruit and vegetable losses are \$180 million. The amount in this bill is \$100 million for the entire country. Our farmers deserve better than this. We can do better.

I also indicate that the bill provides a small amount—\$250 million in the Cochran amendment—for section 32 as it relates to nutrition and the purchase of fruits and vegetables. Unfortunately, that is far less than the \$1 billion that was removed last year for livestock assistance.

Our fruit and vegetable growers were very pleased the first time we passed a farm bill last year that included them—that recognized our fruit and vegetable growers across the country. Yet we are seeing attempts at every turn to eliminate the assistance that was placed into the farm bill.

It is time for the Daschle amendment; it is time to provide needed disaster assistance for both losses in 2001 and 2002.

I urge my colleagues to do the right thing for our farmers.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I yield 3 minutes to the distinguished Senator from Minnesota, Mr. COLEMAN.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Madam President, I thank the Senator for yielding the time.

I rise in support of the Cochran amendment. Last year when I was running for the U.S. Senate, I promised to get something done in the way of relief for Minnesota farmers. The picture the distinguished Senator from North Dakota showed is a picture that is close to the heart of Minnesotans who suf-

fered disasters. They have suffered flooding. They have been hurt. They have suffered losses.

Last year, the House and the Senate attempted to pass the Daschle legislation, but it never became law. Those two bills looked good on paper, but they never became law. They never lightened the load of one farmer. They never comforted one farm family. They never provided a single auction.

When I ran for the Senate, I promised to get to work to get something done for disaster relief for Minnesota farmers. I never promised to vote for something that everyone knows is going nowhere, and then shrug my shoulders and say: Gee whiz, I tried. I promised to shoot straight for the people back home and to be honest about what I think can be done and then help it become law. No one believes the alternative disaster package now scored by the Congressional Budget Office at nearly \$7 billion has support to become law. I think it is irresponsible to raise hopes and expectations to that level.

I was elected to get something done. I have some serious concerns about the \$3.1 billion disaster package in the Cochran amendment. In my view, the help provided in this bill needed to be better targeted to farmers hit by disaster. I was among a number of Senators who expressed concerns to the chairman of the Agriculture Committee. He went back to the drawing board. He made some changes to better target the help. Although he didn't go as far as I would like, we are going to get something done for Minnesota farmers. Farmers can't cashflow on promises alone. They need help now. I am told this \$3.1 billion relief package can get help to our farm families within weeks. I am going to support this \$3.1 billion package. I was elected to get things done. The Cochran amendment gets things done. Let's pass it and let us move on.

I yield the floor.

Mr. DASCHLE. Madam President, I yield 4 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I hear over and over from the other side that we can't get it done. That is a self-fulfilling prophecy. We have gotten it done for 4 years, before last year, every year. When farmers suffered a natural disaster, we responded—and we responded with the package we are offering today. This isn't some new formulation. This isn't something that has never been done before. It was done every year before when farmers suffered from a natural disaster. All of a sudden, the other side throws up their hands and says they cannot do it. The reason they can't do it is they will not vote for it. Vote for it, and we will pass it here, and then we will be able to go to the House and fight it out with them.

This notion that we should give in to what the House might agree to, I have

never heard of that working very well in the Senate. We are the masters of our destiny. We represent the people who sent us here. We should not abdicate our responsibility to what the House might do or might not do. We ought to do what has been done for 4 years in the past and reach out and help a part of the country that has been devastated.

A headline in the Wall Street Journal of today reads: "Midwest Drought Is Threatening Agriculture, Rivers and Tourism."

The article begins, "A severe drought that began in the Great Plains is engulfing the Midwest this winter, snarling the Mississippi River, crippling snow-dependent businesses, and increasing the likelihood for poor crops at a time when the nation's grain supply is precariously low."

That is the Wall Street Journal.

The package offered on the other side isn't a disaster package. A farmer isn't required to have a farm loss in order to get a payment. Let me repeat that. You do not have to have a crop loss to get a payment under the plan being offered on the other side.

No. 2, every eligible farmer—which could be as many as 97 percent of the farmers in this country—could get the same level of payment regardless of what loss they suffer. Even if they have no loss, if they are in a disaster county, they get help.

Now we see the appearance, in this proposal, of \$53 million in direct payments to tobacco producers—not tobacco producers that have had a disaster but just tobacco producers.

This is not a disaster bill. I don't know what one would term it, but it is not disaster assistance, not the disaster assistance we gave 4 years in a row before last year.

The proposal on the other side provides one-half of what was done in every previous year—one-half. That does not meet the test of what is required. We ought to pass what we know is right, what we have done before, what we have provided in assistance every time in the past when there was a natural disaster; and that is the Daschle proposal. I hope my colleagues will support it.

The difference is dramatic. In my State, if a farmer suffers a full loss, they get \$6.50 an acre under the proposal from the other side. Under the Daschle proposal, they get \$45 an acre. But under the Republican proposal, if you did not suffer a loss, you get \$6.50 an acre. If you did not have any loss—and it does not matter under the Republican proposal what level of loss you suffer—you get the same payment. We have never designed a disaster package that way.

I hope colleagues will think very carefully about this vote and provide the parts of the country that have suffered natural disaster with a natural disaster package.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, I am pleased to yield 2 minutes to the distinguished Senator from Montana, Mr. BURNS.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I thank my friend from Mississippi. And I thank my friend from South Dakota for his work.

I want to make a couple of points because I guess we are all trying to say the same thing; it is just that everybody has not had an opportunity to say it.

The farming business is just as competitive as any other business. But let's go back and think a little bit. You have 2 years here: 2001 and 2002. You also have a section in this bill that deals with CRP. But I am going to make sure that something gets to the President of the United States. That is what I am going to do.

I may end up supporting both of them. Somewhere in the middle we will come up with a disaster package that provides the right kind of assistance to the people who have had actual losses. That is what is important. It is not one or the other. We were operating under a different bill the last 2 or 3 years that the Senator from North Dakota was referring to, completely different. There is no question in my mind that we are looking at a year now or a Congress now where we are going to have to take a look at risk management and how we manage our risk.

I am pragmatic. I do not want to mislead my people in the State of Montana who are going into their 6th year of drought. We know what it is all about. So I will probably support both amendments. But I want to make sure we get one to conference so we can deal with some of those specific areas in order to get the money to the people who have actually experienced the impact of this drought.

I thank the chairman of the committee. I also appreciate the leadership of the Democratic leader.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). Who yields time?

Mr. DASCHLE. Mr. President, I yield 3 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, 19 Minnesota counties were declared disaster areas last year because of severe flooding. Many of those same counties were devastated the year before. In fact, many of the same farmers lost their entire crops in both of the last 2 years.

That is real disaster. Whether it is a record drought in South Dakota or flooding in Minnesota, we know the vicissitudes of Mother Nature are ones that no farmer can predict and no farmer, in this case, can survive.

Last year the Senate bill contained disaster assistance. We understood that it did not make sense to have a bill

where if you suffered some loss—you were going to get a lower price—you were going to get a countercyclical payment, but if you suffered complete loss, you would get nothing at all. But the House would not agree to that because the administration was opposed to it.

I was confused for a while about the administration talking about "compassionate conservative" because I thought they meant both the words together. But I have concluded they mean one or the other. If it is tax breaks for the wealthiest people in this country, then they are very compassionate. If they are talking about farmers who are on the brink of disaster, they are very conservative.

For big corporations and, indeed, new tax shelters, they are very compassionate. For unemployed workers, they are very conservative.

In this case, we need more compassion. And we can also be conservative because, in fact, this package is eminently affordable.

The distinguished new chairman of the Senate Agriculture Committee was quoted as saying that the figure he had received from the administration, from the U.S. Department of Agriculture, in terms of the savings in this year's farm bill, was \$5 billion. That is almost the entire cost of Senator DASCHLE's amendment. Certainly, in the context of everything else that is being proposed by the administration, an additional \$1 billion for farmers who are destitute would be very much affordable.

I might also say this is economic stimulus. This is money that will go in the pockets of farmers who will go out literally the next day to pay for goods and services in their communities. Those dollars multiply four times through the communities in Minnesota, twice more through the State, and once more at the Federal level.

This, along with extending unemployment benefits, is the kind of economic stimulus that really gets the country moving forward and helps people who need a helping hand. It does everything that the Government ought to be doing for the people who need it rather than the people who do not.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, today we have the ability to address a problem that has been neglected for the last 18 months. For 18 months farmers have been waiting for 2001, and now 2002 disaster assistance, but partisanship kept us from providing rural America with relief. Today, we will provide the remedy.

Today the Senate has the opportunity to address the issue of significant loss in the agriculture community due to natural disasters. In Iowa we have experienced both drought and flood during the last 2 years. For instance, last year the eastern side of the State—counties such as Clayton, Delaware, Jackson, Clinton, and Scott—had a disaster in 2002 due to flood. In 2001,

the southern two tiers of counties in Iowa experienced drought. Turning back to 2002 again, one of Iowa's best production years ever, we saw counties such as Harrison, Mills, Adams and Cass turn up bone dry during critical states of the growing season.

Iowa had record yields in 2002, but we did not have uniformity in state-wide averages of precipitation or production and that has made the package we are debating today very important to many family farmers in my home State.

The agriculture assistance package I have worked on with Chairman COCHRAN and other Members provides \$3.1 billion of assistance to areas and individuals with the greatest need. Our proposal will give assistance to farmers who live in "primary" designated disaster counties and to farmers who have had a 35 percent crop loss outside of those primary counties. We will be able to get checks to the farmers in the primary designated counties within 4 weeks after the President signs the bill. The farmers who can account for a 35 percent crop loss will need to go to their local FSA office and sign-up for assistance.

Our program also contains an additional \$250 million for the Livestock Assistance Programs—LAP provides direct payments to eligible livestock producers who suffered grazing losses due to natural disaster—and offers a sense of the Senate that encourages the U.S. Department of Agriculture to provide surplus dry milk supplies to pork producers to use as feed.

Some members of the Senate will try to make "political hay" out of this by opposing our proposal. They will say the need is greater than \$3.1 billion and our assistance isn't focused, but the fact is the only way the House of Representatives and the White House are going to allow us to spend more on agriculture, after we have already spent over \$180 billion on the other agriculture disaster we experienced last year, the 2002 farm bill, is if we "find" the money through offsets.

Those who choose to oppose this proposal will claim that their proposal was better for rural America, but what good is a proposal that can't pass? We tried it their way; I voted for emergency funding more than once, but the Senate leadership was unsuccessful in advancing any assistance to rural America. In fact, the last time I voted for emergency spending we couldn't even get it off the floor of the Senate. Doesn't it seem reasonable that we should actually vote on something that can actually pass? Isn't tangible assistance better than empty promises?

The assistance in our proposal will get to farmers months before the assistance in the Democratic alternative. Most farmers will get help within four weeks after the President signs the legislation, instead of waiting up to eight months under the alternative approach. Family farmers that carry significant debt, or those that have been

forced to arrange "bridge loans" because of the problems with farm bill payments need the assistance now to reduce their debt, not eight months from now when the debt has had plenty of time to build due to interest.

Chairman STEVENS worked diligently to find an offset that would provide funds to address the current need. I appreciate the work of Chairman STEVENS and thank him for his assistance. I would also like to thank Chairman COCHRAN for working with me and other members to fit this proposal to the need in rural America. Without Chairman COCHRAN'S dedication to developing the best proposal possible for rural America we would not have such broad support.

Mr. President, family farmers need disaster assistance, not "pie in the sky" empty promises that can't make it past the House of Representatives or the White House. It was important to make sure farmers who need assistance receive help as quickly as possible, and we've done that. I encourage my colleagues to support family farmers and support the Cochran amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think we have had a good discussion of these two amendments that are pending before the Senate. I continue to believe the way to get the assistance to the farmers in the most expeditious way possible is to vote for the Cochran amendment. The reason for that is, the counties that have been declared disaster counties are already a matter of record. With these computer programs that the Department of Agriculture has, sometimes it takes time to get to a point where you can actually send out checks if new information is going to be included in that program.

That is what would happen under the alternative presented by my friend from South Dakota. Farmers would have to come in and sign up for benefits. The Department of Agriculture, through the Farm Service Agency offices around the country, would have to gather that information, process it, and submit it to the Department here. I think it is not unreasonable to expect there to be months that go by before the checks would actually go to the farmers who need the help; whereas, in the Cochran amendment the funds would go out much more expeditiously—I think in a matter of weeks. That has been the experience in the past disaster situations where we have followed this kind of benefit program.

The percentage of the payment is calculated on the basis of the farm payment received by farmers in the past. That is a matter of record. The identity and the addresses, all of that is already in the computers.

This is no small matter. You cannot disregard the importance of that because farmers are hurting now. We have talked about how we don't want to put this off. If you vote for the Cochran amendment, you won't be putting

it off. You will not be putting it off for months before farmers get the benefits to which they are entitled.

I urge Senators to vote for the Cochran alternative. We have had a good description of the content of the bill. It is going to be not only approved in conference but will be signed by the President and will get the benefits to those who need it quickly.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I ask the distinguished chair of the Agriculture Committee if it is his understanding that both amendments will be up-or-down amendments as they are offered to the Senate.

Mr. COCHRAN. That is my understanding of the meaning of the agreement we reached.

Mr. DASCHLE. That is my understanding as well. I appreciate the clarification.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Democratic leader has 3 minutes. The Senator from Mississippi has 1 minute 42 seconds.

Mr. DASCHLE. Mr. President, in the final 3 minutes, let me quickly comment on a few points raised. First, to the point that we need to comply with the House prior to the time we vote in the Senate, as the distinguished Senator from North Dakota said, that is not usually the practice here. The Senate takes its stand, the House takes its stand, and we work out whatever differences there are in the two stands in conference. We don't say because the House has a position, we have to comply with the House position before we even go to conference. I hope our colleagues will not set that very dangerous precedent as their motivation for voting for the Republican amendment.

Secondly, we have gone through this many times. The formulation we have used as a body, as a government, is the formulation offered in the Democratic amendment. We give the administration latitude to administer it. We have created these programs, disaster assistance and crop assistance, for those relief benefits to be provided. That is what we do here. It is the Republican amendment that creates a new infrastructure, not the Democratic amendment. The traditional and accepted approach we have used in disaster after disaster is the one we offer again and the one for which we voted last fall and received 79 votes.

Thirdly, what troubles me the most is that the Republican amendment is one-half of what is estimated to be the need. Even though it is one-half of the need, it is written in such a way that everybody, regardless of whether they have a loss, is eligible. So what happens is you have situations such as the Senator from North Dakota described where those who are eligible, who may be entitled to a \$45-per-acre payment, will get \$6. Those who may not need

any money at all will get \$6. There are many of us who do our very best to maximize whatever value we get out of whatever dollars we commit in the programs we authorize. I just don't see why that nondiscriminating approach is not what we want to do especially if you cut in half the benefits to begin with. It seems to me you ought to maximize the benefits to those who need them. There ought to be some degree of need demonstrated, which is why we say that 35-percent threshold has to be realized. To say you are entitled to benefits with no loss at a time when you are cutting the overall cost to the program by 50 percent turns logic on its head.

For those reasons, I hope my colleagues will do what they have done before. I hope they will support this amendment. I hope we can show the same bipartisan support we did last fall, and I hope we can work out whatever differences we have with the House in conference as we have always done.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COCHRAN. Before I yield back the time remaining on this side of the aisle, parliamentary inquiry: The schedule under the order is for a vote to occur at this time on the Cochran amendment and then, following the vote on the Cochran amendment, a vote will occur on the Daschle amendment; is that correct?

The PRESIDING OFFICER. The agreement was for the vote on the Cochran amendment to be first, followed by the vote on the Daschle amendment.

Mr. COCHRAN. I thank the Chair. I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. COCHRAN. Mr. President, may I ask for the yeas and nays on both amendments? I ask unanimous consent that that be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second on both amendments?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 204. The clerk will call the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 35, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—59

Alexander	Domenici	McConnell
Allard	Edwards	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Pryor
Breaux	Frist	Roberts
Brownback	Graham (SC)	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith
Chafee	Hatch	Snowe
Chambliss	Hollings	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Talent
Cornyn	Landrieu	Thomas
Craig	Lincoln	Voinovich
Crapo	Lott	Warner
DeWine	Lugar	Wyden
Dole	McCain	

NAYS—35

Akaka	Daschle	Levin
Baucus	Dayton	Mikulski
Bayh	Dorgan	Murray
Biden	Durbin	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Boxer	Graham (FL)	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Carper	Kennedy	Sarbanes
Clinton	Kohl	Schumer
Conrad	Lautenberg	Stabenow
Corzine	Leahy	

NOT VOTING—6

Dodd	Harkin	Kerry
Feinstein	Inouye	Lieberman

The amendment (No. 204) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 79

The PRESIDING OFFICER. The question now is on agreeing to the Daschle Amendment No. 79. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—39

Akaka	Dayton	Levin
Baucus	Dodd	Mikulski
Bayh	Dorgan	Murray
Biden	Durbin	Nelson (FL)
Bingaman	Edwards	Nelson (NE)
Boxer	Graham (FL)	Pryor
Byrd	Hollings	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Wyden

NAYS—56

Alexander	Allen	Bond
Allard	Bennett	Breaux

Brownback	Feingold	Miller
Bunning	Fitzgerald	Murkowski
Burns	Frist	Nickles
Campbell	Graham (SC)	Roberts
Chafee	Grassley	Santorum
Chambliss	Gregg	Sessions
Cochran	Hagel	Shelby
Coleman	Hatch	Smith
Collins	Hutchison	Snowe
Cornyn	Inhofe	Specter
Craig	Kyl	Stevens
Crapo	Landrieu	Sununu
DeWine	Lincoln	Talent
Dole	Lott	Thomas
Domenici	Lugar	Voinovich
Ensign	McCain	Warner
Enzi	McConnell	

NOT VOTING—5

Feinstein	Inouye	Lieberman
Harkin	Kerry	

The amendment (No. 79) was rejected. Mr. COCHRAN. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, for the information of Senators, we now have an amendment to be offered by Senator NELSON of Florida. I am going to ask, in a minute, that we have a minute on each side to explain this amendment. After that, Senator MCCAIN has an amendment he wishes to debate. We believe we will be able to accept that amendment. Senators DURBIN and DEWINE have another amendment, and we believe we will accept that one. Following that is the Specter amendment, which will take an hour on each side. After that, we have other amendments that are going to be offered. We are going to try to get an agreement in just a few minutes that the next vote will not be before 7:45, something like that.

Mr. REID. If I may ask my friend from Alaska, the manager of this bill, is there any way we could cut the time down on this 2 hours? We have not had a 2-hour amendment in 2 days. I cannot understand why the amendment would take 2 hours.

Mr. STEVENS. What amendment?

Mr. REID. Did I hear the Senator say the Specter amendment will be an hour on each side?

Mr. STEVENS. We do not have an agreement yet. We expect to have an agreement of 1 hour total, 30 minutes each side, but we do not have that agreement yet.

Mr. REID. Fine.

Mr. STEVENS. But we do expect to get that agreement soon.

I would like to get an understanding that the next vote, after the Nelson vote, will not occur before 7:45.

Mr. REID. I apologize to my friend. I was on the telephone.

Mr. STEVENS. That is so we can work this out and try to get an idea what we can do. Perhaps we can get the amendments so we can argue them tonight and vote on them tomorrow morning, but we will not know until 7:45.

Mr. REID. I would say to my friend, we have done good work over here. We

have set an example for the majority. We have about eight or nine amendments, and the folks over here have agreed to time limits. And 30 minutes is the longest we have on any of them.

Mr. STEVENS. I congratulate my friend. He has always done very good work in this regard. The Senator from Nevada does a good job.

I want to announce that tomorrow morning I hope to be able to call up amendments four or five at a time in a block that we have intended to agree to, but if people want to object, they can at that time. We will have to pull them up and have a vote. But we think we have an agreement on a whole series of amendments.

I would say potentially there are 70 amendments that are technical in language and have de minimis amounts of money on small projects in States that we can adopt in a process tomorrow morning on a consent basis, if we can work that out. But tonight I hope to have, if we can do it, at least a couple amendments argued so we can vote on them either tonight, after 7:45, or vote tomorrow morning.

Mr. REID. Will the distinguished manager yield for another comment?

Mr. STEVENS. Yes.

Mr. REID. The reason I gave the Senator the outline of what we have been able to do is, we are going to try to stick to these times that we have. But when you talk to your folks, have them understand that these times are contingent on your times also being agreeable.

Mr. STEVENS. It is a two-way street, Madam President. I agree 100 percent. We do intend to follow that procedure.

I would be happy to yield to my colleague from the South.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I thank my colleague from the North.

If I am correct, Madam President, we are trying to get some amendments on the table. I would be happy to ask unanimous consent to offer my amendment following Senator SPECTER.

Mr. REID. At this time we cannot do that. I say to my friend from Washington, we have a schedule. I have already told Senators what the order would be.

Mr. STEVENS. The projection is the Specter amendment would be voted on at 7:45.

AMENDMENT NO. 97

Madam President, I now ask unanimous consent that there be a period of 1 minute on each side so the distinguished Senator from Florida can explain his amendment, and I will take the time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, this is the African famine starvation relief amendment.

Nearly two decades ago in Africa, my wife Grace held an almost lifeless,

starving child in her arms, and that changed my wife's life forever. For two decades she has been at the forefront of trying to get relief.

There was this famine 15, 17 years ago, and because of drought it is back. You have seen it. Everyone has seen it. The world has seen it: The spindly legs, the distended bellies, the thatched hair, the begging eyes.

The Senator from Alaska says he cannot accept this amendment because it is an emergency. It does not require the President to declare an emergency.

He says he will not accept any emergency amendments. If there is not an emergency, then I would ask, what is an emergency for America to share its abundance?

Mr. LEAHY. Mr. President, I rise today to speak in favor of the amendment offered by Senator NELSON that would provide \$600 million in emergency food aid to sub-Saharan Africa. I know other Senators are waiting to speak so I will make three short points.

First, there is an enormous humanitarian crisis in sub-Saharan Africa. The World Food Program estimates that there are 38 million now at risk of starvation. The situation has gone from bad to worse.

Second, humanitarian organizations with field operations in Africa, such as Catholic Relief Services and Save the Children, report that at least \$600 million is needed to address these immediate needs. What are the reasons for this shortfall?

We are debating a budget request that is almost a year old. When the request was submitted last year, this crisis in Africa had not reached this magnitude. On top of that, commodity prices have increased 30 percent.

Third, the Nelson amendment is carefully tailored to give the President the flexibility he needs to deal with the crisis. If the President does not want to spend this money, he does not have to declare an emergency. However, if he feels, as many of us do, that this money is needed now to address this growing crisis, he can declare it an emergency and provide this assistance to sub-Saharan Africa.

This is a bipartisan issue. I know Secretary Powell and Administrator Natsios care deeply about Africa. Representative WOLF just came back from Ethiopia and Eritrea and issued a compelling report on the dire situation there.

The administration does not currently have the resources to deal with this crisis. It is up to Congress to provide the resources to prevent mass starvation in Africa. We may not get another chance for months.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska.

Mr. STEVENS. Madam President, I regret deeply that I am faced with this dilemma. There is \$1.850 billion in Public Law 480 in the amendment I have offered. That is \$335 million above the

2002 level. That money has not been allocated yet, and it is entirely available to allocate to the cause to which the Senator from Florida seeks to send relief.

I understand his position, but we have already increased this amount in the bill. It is a sizable increase. I urge the Senate to realize that and to support my motion to table.

Mr. President, I move to table the Senator's amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

THE PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—48

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Fitzgerald	Nickles
Bunning	Frist	Roberts
Burns	Graham (SC)	Santorum
Campbell	Grassley	Sessions
Chafee	Gregg	Shelby
Chambliss	Hagel	Smith
Cochran	Hatch	Snowe
Coleman	Hutchison	Stevens
Collins	Kyl	Sununu
Cornyn	Lott	Talent
Craig	Lugar	Thomas
Crapo	McCain	Warner

NAYS—46

Akaka	DeWine	Levin
Baucus	Dodd	Lincoln
Bayh	Dorgan	Mikulski
Biden	Durbin	Murray
Bingaman	Edwards	Nelson (FL)
Boxer	Feingold	Pryor
Breaux	Graham (FL)	Reed
Brownback	Hollings	Reid
Byrd	Inhofe	Rockefeller
Cantwell	Jeffords	Sarbanes
Carper	Johnson	Schumer
Clinton	Kennedy	Specter
Conrad	Kohl	Stabenow
Corzine	Landrieu	Wyden
Daschle	Lautenberg	
Dayton	Leahy	

NOT VOTING—6

Feinstein	Inouye	Lieberman
Harkin	Kerry	Voinovich

Mr. STEVENS. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. For the information of Senators, we are now going to take up Senator SPECTER's amendment. I ask unanimous consent that the vote

on the Specter amendment commence at 20 minutes after 6. That will be the last vote tonight.

We are going to debate it now. Senator SPECTER wants 25 minutes, and we will take the remainder of that time and vote at 6:20.

Mr. REID. That is going to be fine, but we would like to see the amendment. Why don't we start the debate, give us the amendment, and let us look at it.

Mr. STEVENS. The amendment has been filed. It is the Specter amendment on the airline.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. What is the number of the amendment?

The PRESIDING OFFICER. The amendment is numbered 68.

Mr. STEVENS. That is on or in relation to his amendment at 6:20.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I want the record to show I have 25 minutes of the time between now and the vote.

Mr. STEVENS. Yes, that is part of the request.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I withdraw my reservation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 68

Mr. SPECTER. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 68.

Mr. SPECTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide special minimum funding requirements for certain pension plans maintained pursuant to collective bargaining agreements)

At the appropriate place, insert:

SEC. ____ . MODIFICATION OF FUNDING REQUIREMENTS FOR CERTAIN PLANS.

(a) FUNDING RULES FOR CERTAIN PLANS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974, the minimum funding rules under paragraph (2) shall apply for any

plan year beginning after December 31, 2002, in the case of a defined benefit plan which—

(A) was established by an air carrier which was granted a conditional loan guarantee by the Air Transport Stabilization Board on July 10, 2002, and which filed for protection under chapter 11 of title 11, United States Code, on August 11, 2002, and

(B) is maintained for the benefit of such carrier's employees pursuant to a collective bargaining agreement.

(2) SPECIAL FUNDING RULE.—

(A) IN GENERAL.—In the case of a plan described in paragraph (1), the minimum funding requirements under this paragraph shall be the requirements set forth in Treasury Regulation section 1.412(c)(1)-3 (as in effect on the date of the enactment of this section).

(B) RULES OF SPECIAL APPLICATION.—In applying the requirements of Treasury Regulation section 1.412(c)(1)-3 for purposes of paragraph (1)—

(i) the plan shall be treated as having met the requirements of Treasury Regulation section 1.412(c)(1)-3(a)(2),

(ii) the payment schedules shall be determined—

(I) by using the maximum amortization period permitted under section 1.412(c)(1)-3, and

(II) on the basis of the actuarial valuation of the accrued liability and the current liability of the plan as of January 1, 2003, less the actuarial value of the plan assets on that date,

(iii) the payments under a restoration payment schedule shall be made in level amounts over the payment period, and

(iv) the actuarial value of assets shall be the fair market value of such assets as of January 1, 2003, with prospective investment returns in excess of or less than the assumed return phased in over 5 years.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

Mr. SPECTER. Madam President, this amendment arises out of the bankruptcy proceedings and reorganization of US Airways. It involves the effort by US Airways, with the agreement of the pilots, to restructure one of its pension plans. US Airways, as is well known, was very hard hit, as was the airline industry generally, by the events of September 11. US Airways was hit much harder because Reagan National Airport was closed down. In order to pare their expenses, the employees of US Airways made enormous concessions. The pilots made concessions of some \$650 million a year.

In order to obtain financing to get a Federal loan guarantee, there had to be substantial modifications made. One of the proposals from US Airways was to restructure its pension plan so that instead of having a 5-year payout, it would be a 30-year payout. This was agreed to by the pilots, by the employees who are affected. And the Pension Benefit Guaranty Corporation, PBGC, made a determination that it did not have the discretion to permit a plan termination and a reinstatement of the plan with a longer payout.

We had an extensive hearing in the subcommittee of the Appropriations Committee on Labor, Health and Human Services, and Education last Tuesday to inquire into this matter in some detail. It is my view that the PBGC has substantial discretion, but

in order to make a clarification, I filed this amendment.

Two weeks ago, Senator SANTORUM and I sought unanimous consent to take up this legislation as a free-standing bill. I offer it on this omnibus appropriations bill because time is of the essence and all of US Airways's reorganization proceedings have to be completed by March 31, 2003.

I am well aware of the preference not to have this sort of matter on an appropriations bill, but we have no choice if we are to have this reorganization go forward.

Key testimony last Tuesday, a week ago yesterday, was given by an expert attorney, William Kilberg, who had served as Solicitor to the Department of Labor in 1974 when the relevant statute was passed. Mr. Kilberg, along with his affiliate Gary Ford, rendered an opinion that the PBGC has the authority to allow for the plan modification, as I have just articulated. The critical language of Mr. Kilberg's working opinion is as follows: The statute "allows the PBGC to restore a plan when it is to be terminated or is in the process of termination."

Then, referring to the decision of the Supreme Court of the United States in the one case that interprets this matter, the LTV case, Mr. Kilberg said "the court said that a plan can be restored when restoration would further the interest that Title IV of ERISA is designed to protect." He then enumerated the three points of the statutory structure: that is, to keep premiums at a reasonable level; to keep plans going; and to have the plans pay benefits.

Now, if the proposal by US Airways, agreed to by the Air Line Pilots Association, is not permitted, then the PBGC will have to pay the pensions. So it was in the financial interest of PBGC to have the plan adopted as US Airways and the pilots wanted.

Pilots who have worked for 30 years would be cut on their pensions by some 20 to 25 percent, which would be a drastic curtailment, especially inequitable in the context of the pilots giving up some \$650 million a year.

When unanimous consent was asked 2 weeks ago, an objection was raised by the chairman and ranking member of the Finance Committee, and hearings were contemplated during the month of January. We went ahead with hearings, as I said, from the subcommittee.

I ask unanimous consent that Senator CLINTON be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. So the essence of it is that this would be a win-win-win situation. It would really be a win situation for the PBGC because it would not have to pay the pensions. It would be a win situation for the pilots since their pensions would not be reduced drastically, and they are the real parties of interest at risk. And it would be a win situation for US Airways, which can structure its reorganization and this

way obtain financing and obtain the appropriate guarantee.

One point to be focused on with particularity is that this does not order the PBGC to adopt the US Airways proposal. All it does is say the PBGC has the authority to do so. The Secretary of Labor, who is the dominant public official in this matter, advised me that she felt bound by the opinion of the attorneys for the PBGC.

How much time remains?

The PRESIDING OFFICER. The Senator has 18 minutes 30 seconds.

Mr. SPECTER. I reserve the remainder of my time.

Mr. ALLEN. Madam President, will the Senator from Pennsylvania yield for a series of questions?

Mr. SPECTER. I do.

Mr. ALLEN. Madam President, I ask the Senator from Pennsylvania, his amendment as best I understand it—and this is for the benefit of other Senators to understand the purpose of the amendment—the Pension Benefit Guaranty Corporation, interpreted the law and felt that they had not accorded what management and labor wanted in the restructuring of pensions, and the purpose of the amendment is, in a permissive manner, to allow those directors to make that determination where right now in their legal opinion they do not have that authority.

The point is, this is permissive as opposed to mandatory or dictating that they must accept?

Mr. SPECTER. Madam President, the Senator from Virginia has articulated the situation accurately. It is permissive. They do not have to adopt the plan. But the Secretary of Labor would then be in a position to exercise her discretion, perhaps, if it was plain that the PBGC had the authority. It is permissible only.

I go into some detail with the background of the opinions that they do have the authority because the whole statutory structure has been set up to keep these plans going, to have reasonable premiums, and to have the plans pay benefits. What the PBGC has said is that it cannot do it while everyone really agrees it ought to be done.

Mr. ALLEN. Madam President, I want to make it clear, the Senator states that the pilots union, all labor, all management, are in agreement with this amendment to try to help save this airline and help save those jobs and the service to the communities that are served by US Airways; is that correct?

Mr. SPECTER. Madam President, that is correct. The leader of the pilots association, the national president, testified Tuesday in favor of the plan and in favor of this legislation. The president of the pilots association of US Airways in Pittsburgh testified in favor. The president of US Airways, David Siegel, told me again today that he was very appreciative of my pushing this matter, that it would be very helpful to US Airways.

Mr. ALLEN. One final question. This applies only to this agreement that has

to do with US Airways, labor and management. It should not have any impact whatsoever on any other airline; is that correct?

Mr. SPECTER. Madam President, the Senator from Virginia is correct. It has never been tailored to set a precedent or open any portals for any other situation in order to eliminate or obviate the argument that others can rush in.

Madam President, when I pressed the general counsel and the executive director of the PBGC for any public policy reason not to do this, they had no reason.

I ask unanimous consent that Mr. Kilberg's testimony be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT OF WILLIAM KILBERG'S TESTIMONY

Senator SPECTER. Mr. Kilberg, you've heard the testimony of Mr. Keightley. What is your analysis and conclusion of it?

Mr. KILBERG. I have a great deal of respect for Mr. Keightley, but both Mr. Ford and I disagree with his opinion, the restoration or the authority to restore a plan, as stated in Section 4047. And while Mr. Ford was general counsel to PBGC, I have had the honor of being solicitor of the Department of Labor, and I was solicitor in 1974, when the statute was passed and the initial restoration authority language was put in.

It is very, very broad. It allows the PBGC to restore a plan when it is to be terminated or is in the process of termination. So a plan does not actually have to have been terminated in order to have it restored.

The Supreme Court has had an opportunity to look at this language in one case, the LTV case, the only instance where there's been a plan restoration, and in that decision, the court said that a plan can be restored when restoration would further the interest that Title IV of ERISA is designed to protect.

When we look at the interest as set forth in the statute, the preamble to the statute, it is really just—just three. It is to keep premiums at a reasonable level and to keep plans going and paying benefits. And it was our conclusion that, in this instance, a plan termination and a restoration funding schedule which allowed a 30-year period of amortization would do precisely that.

The PBGC and Mr. Keightley, in his opinion, says that funding relief is not a proper purpose. I can't disagree with that, but I would assert, respectfully, that it is a proper method permitted by the statute in order to achieve the statutory objectives of maintenance of plans and their benefits and to keep PBGC premiums at a reasonable level.

That's basically the sum and substance of our disagreement. There's relatively little case law. You will note that Mr. Keightley's opinion doesn't cite any. There's just the LTV decision. But we believe that that, combined with the language of the statute and its purposes, would support the argument that the PBGC has discretion to work out a restoration funding schedule if it chose to do so with an employer like U.S. Air that is in bankruptcy, where there is no question but that a distress termination would be appropriate, where it is able to fund those benefits over time, and, frankly, where it has received unprecedented concessions from its unions, giving up going-forward benefits that make the ability to fund this plan over time a great likelihood.

Senator SPECTER. Would you amplify your analysis of the one decision by the Supreme Court of the United States on this general

area, which signifies to you the Supreme Court's interpretation of legislative intent and the public policy in this matter?

Mr. KILBERG. Well, in LTV it was LTV's decision to create a follow-on plan which mirrored the plan that it had terminated that caused the PBGC to first take the position that the termination was a sham and then to insist that it could restore the plan to LTV and create a new funding schedule.

That case was hotly litigated. It went to the Supreme Court, and the Supreme Court interpreted the statute to give the PBGC an extraordinarily broad grant of discretion, as I indicated, to restore a plan when restoration would further the interest that Title IV of ERISA is designed to protect.

The court went further and said that in carrying out this specific and what it called an unambiguous statutory mandate, the PBGC is not required to focus on the policies and goals of other statutes. In other words, one of the arguments that LTV was making was that because of the Internal Revenue code and other statutes, the PBGC could not exercise its authority to restore the plan and to impose a funding requirement upon LTV. The court said that PBGC, in fact, has that very, very broad authority.

Senator SPECTER. Mr. Keightley, would you care to comment on Mr. Kilberg's testimony?

Mr. KEIGHTLEY. First, I'd like to comment that the Supreme Court, contrary to the trial court as well as the Court of Appeals, deferred to the interpretation of the PBGC as to what a statutory authority was in that particular case. And that particular case was not at all analogous to the situation. In that case, the LTV plans had been terminated in order to avoid shut-down benefits. After that took place, the unions and management agreed to, basically, pension plans that made retirees, as I understand and read the opinions, one-hundred percent whole and many of the others substantially whole, with the PBGC paying the basic benefits, and then they made up the rest in this, what we would call an abusive follow-on plan. So they were letting us absorb their pension cost; and, to the extent you view that as a labor cost. That is completely—and the court said we had the authority to construe the restoration authority in that context.

In my view, that has no connection with the current situation at all. I would say that they said we had broad authority in interpreting our statute in order to come to that result, but they deferred to our interpretation and agreed with us. And, as I say, I just don't see taking that language. There are limits to what I think we can do under that statute, and I think you folks are, you know, U.S. Air folks are asking us to go beyond that.

I might point out that there is no question that the purpose, reading from the joint opinion, of the termination restoration, is to provide funding relief for U.S. Airways and pension plans. There's just no question about that. And so, again, we think Congress addressed that issue, told everybody who had that authority, limited the waivers. If you remember the waivers in the IRS context are, you get to waive it and spread the funding over, say, five years, I believe, much shorter period of time.

So Congress has addressed that issue and built that limited waiver provision into ERISA, and that's how I get to the conclusion that PBGC does not have that statutory authority, and other government agencies only have a very limited statutory authority, which U.S. Air has advised us does not meet their needs financially.

Senator SPECTER. While there's no doubt that the LTV case is very different factually, your response doesn't really go to the basic

point that Mr. Kilberg made with respect to the Supreme Court's determination that the PBGC has broad authority and broad discretion to interpret the statute. Do you disagree with Mr. Kilberg's statement as to the Supreme Court's decision in that respect?

Mr. KEIGHTLEY. We have broad authority within the statutory limits.

Senator SPECTER. Well, do you think if you made a finding, as Mr. Kilberg says you have the authority to do so, if that was your decision within your broad discretion, that that would be upheld by the Supreme Court?

Mr. KEIGHTLEY. I do not believe—if the purpose was the termination, to provide funding relief for U.S. Airways, I do not believe the Supreme Court, or for that matter, any other court, would uphold that position.

Mr. KILBERG. I do.

Senator SPECTER. Senator Santorum, anything further?

Mr. KEIGHTLEY. One last point. I might point out that in the bankruptcy proceedings in response to our opposition to their termination restoration, they have abandoned that position and are now pursuing legislative relief plus a termination, and we intend to be working with them on some other solution. But at this time, they're not pushing that, and litigating it in the bankruptcy court is the point.

Mr. KILBERG. With all due respect to Mr. Keightley, no one questions that the PBGC has discretion. The PBGC does not have to agree to terminate a plan. The PBGC does not have to agree to restore a plan. It certainly does not have to agree to a particular restoration funding schedule if it does decide to restore a plan. So this is all within the agency's discretion, and we respect the agency's decision in this regard. There's not much choice about it. We wouldn't have standing to raise a complaint, bankruptcy court or anywhere else.

Senator SANTORUM. Because what you would raise is they have the discretion, so you certainly can litigate something where you're saying they have discretion and then argue that you abuse—I guess you could argue they abused the discretion.

Mr. KILBERG. Well, that would be a very difficult argument. Certainly the PBGC has policy reasons. We may not agree with them, but that doesn't mean that their use of discretion for them to assert them.

Mr. KEIGHTLEY. I continue to say we don't believe it is a discretionary area when the sole purpose is altering the funding. That's the purpose—that's the reason we're being asked for this, and that is beyond our statutory authority. There may be other areas where we have discretion that is within that authority, but it doesn't extend this far.

Senator SANTORUM. Do you agree that that's the purpose?

Mr. KILBERG. No. I mean, that's the method, obviously. And I had the same point, Senator, that you had earlier, the confusion between a restoration funding schedule and a waiver of funding.

A waiver of funding is a term of art. It does go to the Internal Revenue Service. There are very, very strict limitations. They would not help U.S. Air in this instance. They're really not for this purpose. What we're looking for, clearly, is something far more creative, but something we believe that, if it could be achieved, would help U.S. Air to come out of bankruptcy and would serve the interest of its employees as well as the company.

Mr. KEIGHTLEY. May I read one sentence for the record from the December 13th memorandum signed by Mr. Kilberg? "The purpose"—

Senator SPECTER. Where are you reading from?

Mr. KEIGHTLEY. I'm reading from the December 13th memo of Mr. Kilberg and Mr. Ford.

Senator SPECTER. I understand that, but where from the memo?

Mr. KEIGHTLEY. Oh, in the first paragraph. "The purpose of the termination restoration"—I underscore "purpose"—"is to provide funding relief for U.S. Airways' pension plans."

Senator SANTORUM. Mr. Kilberg? Senator SPECTER. Well, there's no doubt about that, is there?

Mr. KILBERG. There's no doubt, there is no doubt about that, but that is our purpose. The question earlier was "purpose under the statute." They said that that was not a purpose under the statute. When we use the term "purpose," we're using it as a method. That's the method that we thought—

Senator SANTORUM. To accomplish what purpose under the statute?

Mr. KILBERG. To accomplish a purpose under the statute that would, from the PBGC's standpoint, that would maintain premiums, and from the company employees' standpoint that would restore the plan and would allow the employees to obtain the benefits under the plan. Those are the statutory purposes.

We used the term "purpose" here—we weren't talking about statutory purpose; we were talking about our purpose.

Senator SANTORUM. Mr. Keightley, is the purpose, is the method by which Mr. Kilberg has suggested U.S. Airways wants to achieve its purposes proscribed by the statute?

Mr. KEIGHTLEY. Yes, it's beyond our statutory authority, whether it's a method or a purpose.

Senator SANTORUM. Is it proscribed by the statute . . .

Mr. SPECTER. Anyone can examine the record. There was simply no public policy reason given. When I talked about this to my colleagues, the argument has been raised, well, it is complicated. Well, we have not had hearings before the other committees. We had a very extensive hearing before the subcommittee on labor in the Appropriations Committee. I say, this is win-win all the way around.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER (Mr. AL-EXANDER). The Senator has 14 minutes 32 seconds.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I will yield 2 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I thank the Senator for yielding this time.

I understand what the Senator from Pennsylvania is trying to do here, but I am concerned that the Finance Committee has not had a chance to look into this issue, the impact on the Pension Benefit Guaranty Corporation. Neither has the Commerce Committee. I am also concerned about the precedent that is being set here.

It is a rifleshot for one company. The other companies would like to have this same opportunity, perhaps. They are all involved in this Pension Benefit Guaranty Corporation. It may be permissive, as was pointed out, I believe, by the Senator from Virginia. But if this company, US Airways, does not

make it in the end, as I understand it, the other companies that pay into this benefit plan will be responsible for covering the losses. Whether or not that is accurate, I am not positive what the impact would be. So that has been my concern, as I expressed to the Senator earlier today.

It may have some merit. We may even want to look at setting this precedent. But I don't think we have yet fully thought it through, and I am concerned we may be making a mistake here that could cause tremendous additional damage to the rest of the aviation industry.

I am going to be working with Senator MCCAIN, Senator HUTCHISON, and Senator ROCKEFELLER on this issue this year. We need to take a serious look at aviation as a whole, not only the airlines but labor, obviously—their needs. How we deal with their pensions, what we do about security, the costs they are faced with. It is going to take some time to do this. To do this one rifleshot at this time, I would have to raise questions about it.

I would like to be able to work with the Senator from Pennsylvania because I know how committed he is to doing the right thing for the men and women who work for this company, but I express my reservation at this time on this bill.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is fine to talk about working this out this year, but that will be too late, and the pilots will then have 25 percent of their pensions remaining. We talked to the Finance Committee two weeks ago about scheduling a hearing in January. No hearing has been scheduled for the Finance Committee during the month of January, as was anticipated. When the Senator from Mississippi makes a point that the other airlines will have to pay the pensions of US Airways pilots, that is precisely what is going to happen if this plan is not adopted. The PBGC is going to have to pay the pension benefits. So, at worst, if US Airways does not succeed, in any event, PBGC will be no worse off if this is adopted than if US Airways fails.

I reserve the remainder of my time.

Mr. ROCKEFELLER. Mr. President, I have strong concerns about the very narrow manner in which this provision is written. In general, I am not in favor of legislating in a way that deals with one specific company. Furthermore, as a member of the Senate Committee on Finance and the Senate Committee on Commerce, Science & Transportation, I regret that this matter was not considered via the normal committee process. I hope that we can have a broad discussion in the days ahead about ways to address pension issues at struggling companies. Despite these concerns, however, I am supporting the amendment of the senior Senator from Pennsylvania, particularly since this provision will place no additional burden on

the American taxpayer. I also support its goal of protecting employees' pensions. Furthermore, this provision is important to US Airways' effort to secure a loan from the Air Transportation Stabilization Board. As a critical provider of air service to West Virginia, I am committed to doing everything I can to ensure US Airways' long-term viability.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, will the Senator yield me 2 minutes?

Mr. GRASSLEY. Yes.

Mr. MCCAIN. I have the same concerns as articulated by the chairman of the Subcommittee on Aviation of the Commerce Committee, Senator LOTT. I know he and I would both be willing to look into this situation.

We are in great sympathy for the entire airline industry. United Airlines is in bankruptcy. They have similar problems.

As far as this giving any leeway is concerned, it says right here:

. . . funding rules [for certain plans] shall apply for any plan year beginning after December 31, 2002, in the case of a defined benefit plan. . . .

Then it goes on to describe USAir.

Then later on it says:

. . . the minimum funding requirements under this paragraph shall be the requirements. . . .

This is clearly a mandate. There is no flexibility in this. We all know what "shall" mean in appropriations bills.

I am in sympathy for the entire airline industry. That is why the first hearing we had in the Commerce Committee was on the status of the airline industry. CEOs of these industries came before us. They are in bad shape. They are in very bad shape. They are hemorrhaging hundreds of millions of dollars every year.

USAir is in bankruptcy. United is in bankruptcy. Others border on bankruptcy. This needs to be viewed in the context of the entire airline industry. As much sympathy as I have for USAir, I don't think we can do something such as this at this particular time on an omnibus appropriations bill.

I want to commit to the Senator from Pennsylvania, I appreciate his dedication to the people of Pittsburgh and to the people who are employed by USAir, and I look forward to working with him.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. I yield 5 minutes to my colleague from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise in support of the Specter amendment. I understand, just listening to the Senator from Arizona, that this is a complex issue and there are a lot of carriers involved in bankruptcies or financial distress. For this carrier timing is the issue. They have to file this complete reorganization by the end of March.

We have a situation where hearings and study by the Commerce Committee, Finance Committee, HELP Committee—whatever—are great for looking at the overall picture of pensions and what we are going to do with funding of distressed plans, but that doesn't solve the problem of US Airways. US Airways went about solving their own problem, and they did so by working in a very aggressive fashion with a labor union that is most involved, which is the pilots, and got enormous concessions. They got enormous concessions from the pilots union, in this case, to dramatically reduce their pension benefits in order for the airline to survive.

This was actually a model of labor-management cooperation. They came to the administration believing—as Senator SPECTER has outlined, justifiably so—because their counsel, who is a former PBGC lawyer, suggested they had the discretion to do so—they could get this plan approved. That is because it was a model of how to restructure a pension plan to: No. 1, provide a reduction of expenses to allow the company to go forward and emerge from bankruptcy—and that is what this plan does; it reduces US Airways' expenses to allow them to emerge from bankruptcy; No. 2, provide the best possible compensation for a pilots union, for pilots who obviously have very good benefits, but they were willing to take a hit, but not as much as would be the case if the PBGC took over the plan. So it was a good compromise; and, No. 3—and this is something our colleagues should be concerned about—it doesn't cost the Federal Government any money. If the PBGC takes over the plan—if the plan is terminated and the PBGC takes over this plan, it is a half a billion dollars. That is what is going to be the cost if we don't agree to this amendment and don't give the administration the flexibility to adopt the US Airways-pilots union agreement.

So we have here a situation where we would be encouraging positive cooperation between labor and management; saving the Federal Government money; and, according to the provisions we enacted here after 9/11, where airlines effectively were eligible for these loan guarantees but we wanted to be sure if these guarantees were given, the companies would do the things necessary to run a good financial operation, US Airways has dramatically reduced their costs at the direction of the board we set up to help stabilize the airlines.

So US Airways has done everything we would want a company to do: Reduce costs to make them competitive; get agreements with their labor unions to reduce costs but at the same time not in a draconian way; and save the Federal Government money. The administration has come back and said: That may be all well and good, but we don't have the authority to do this and we just don't think it is good policy. But even if we did think it was good policy, we don't have the authority to do it.

Fine. This amendment gives them the authority to do it. It doesn't force them to do it.

So I say to my colleagues who suggest what we are doing here is opening Pandora's box by allowing other companies to come in under this USAir exemption, all this does is give them the flexibility to deal with this situation. It doesn't force them to adopt the US Airways proposal.

So I think this is a prudent step. It is in response to the PBGC saying they do not have the authority. I am not sure—and I don't know whether Senator SPECTER has commented on this—whether they would even exercise that authority if this amendment is agreed to. But what it does is it gives them the opportunity, or hopefully the incentive, to relook at their decision based on the facts as to what would be in the best interests of the fund, the people who actually contribute to the pension system. So it is not taxpayers' dollars but it is employee contributions.

So it would, in fact, be beneficial, I believe, saving money, encouraging labor-management cooperation, and encouraging companies, airlines in particular, to restructure in a way that is going to give them the chance to be profitable over the long term.

That is a win-win-win for us. Hopefully, we will be successful in agreeing to Senator SPECTER's amendment.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. SPECTER. Mr. President, in response to the arguments raised by the Senator from Arizona, he points out the "shalls" in the pending amendment. But each of the "shalls" relate to preexisting obligations under which the PBGC can put this plan into effect. The two "shalls" in subsection (2)(A) say that "the minimum funding requirements under this paragraph shall be the requirements set forth in Treasury Regulation." So it establishes the funding in accordance with existing regulations. What it does not say is that the PBGC has to put the plan into effect.

The later provision under (B)(i) says that "the plan shall be treated as having met the requirements of Treasury Regulation," and specifies the technical compliance. But it does not in any way require that the PBGC has to carry this plan forward.

Let me add as cosponsors Senators WARNER, ALLEN, DOLE, CLINTON, and Senator SANTORUM, whom I believe I should have mentioned earlier as an original cosponsor to the bill.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield 1 minute of my 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is the same issue which the Senator from

Arizona raised not too long ago. It has serious deficiencies: No. 1, that it only applies, as I understand it, to one carrier and not to other carriers, which on its face raises many serious questions.

No. 2, I said to the Senator from Pennsylvania at that time, if I were in the position to influence whether we would have hearings on this subject in the near future, I would certainly do so. Time has passed. We have a new chairman of the Finance Committee. But I still hold the same view; namely, that we should have a good opportunity to address this issue more broadly and more fairly and deal with other airlines that face, to some degree, the same issues; otherwise, this is a single-shot amendment. It is unfair to other airlines. We should have more time to consider the right way to deal with this issue.

I respectfully urge Senators not to adopt this amendment so we can more appropriately deal with the matter at an appropriate time.

Mr. GRASSLEY. Mr. President, I yield myself the 1 minute remaining. At the end of the time being used up, I will make a motion to table. I will not do that yet.

But I want to reiterate what my colleague from Montana said; that this is a problem bigger than USAir and requires the time of our committee to work on it. The statistic the distinguished chairman of the Appropriations Committee gave me is that there are about 125 companies in one shape or another that are working in unison to try to find a global solution. So taking care of the situation for US Airways ought to be taken care of in conjunction with the issues that other companies have before the Congress instead of using a rifleshoot. This is within the jurisdiction of the Senate Finance Committee. Nothing has been said about those left, but the chairman of the Senate Appropriations Committee is trying to write an appropriations bill that would avoid the blue slip problem with the House of Representatives.

So this has a lot of problems. We have to deal with it in the committee.

Mr. DOMENICI. Mr. President, could I ask a question of Senator SPECTER? Do we have time?

The PRESIDING OFFICER. Senator SPECTER will have to yield time.

Mr. SPECTER. I yield.

Mr. DOMENICI. Mr. President, I have a very simple question. If in fact this amendment is agreed to, and let us assume the next step is that the board grants it—although you were saying that is optional, let us assume it is granted—do the other airlines have a chance of losing money as far as that fund is concerned now or in the future because of this incident?

Mr. SPECTER. Mr. President, I thank the Senator from New Mexico for his question. The answer is they do not have any chance of losing money unless you say the competitors of US Airways stay in flight. But that is very

much in the competitive interest of the United States.

Mr. DOMENICI. I should have said other than they will retain a competitor.

Mr. SPECTER. They lose absolutely nothing.

Mr. DOMENICI. If you have to extend the program in terms of the payoff, does that mean it takes care of itself and that United Airlines money put into that plan takes care of that, not the other airlines? The other airlines don't pay for it in any way?

Mr. SPECTER. Mr. President, that is exactly correct. It is the money of US Airways paid over a longer period of time which meets the obligations to the pension. The other side of that coin is if the plan is not adopted, PBGC has to pay the pensions.

I yield 1 minute to my colleague from Pennsylvania.

Mr. SANTORUM. I thank the Senator. I want to make a point, too, that this is not a pension fund that has been underfunded for a long period of time. This isn't like a lot of the industries that have been in bad shape for years. I believe this pension fund is overfunded as recently as 2½ years ago. So this is not a chronically bad pension fund that all of a sudden is now coming into bankruptcy and asking for help. This is a fund that has been dramatically affected by two things: No. 1, obviously, September 11. One can make the argument that no other airline was affected more by 9/11 than US Airways. Why? Because they closed the most profitable place they operate—Reagan National Airport. Who did that? The Federal Government. They closed their most profitable center at Reagan National Airport for an extended period of time—the place that was the most effective with air travellers for US Airways. That is where the traveling fell off most dramatically. That had a huge impact on their ability to pay into their pension. No. 2, obviously the decline in the market.

The "perfect storm," if you will, hit US Airways and put them in a particularly bad situation. And for them to come to the PBGC and say: Look, this is not a long-term problem, this is a problem that happened which is a very unusual event. Give us an opportunity to work ourselves out of the hole.

Mr. SPECTER. Would my colleague yield for a question? How much longer is he going to take?

Mr. SANTORUM. I just wanted to know if the Senator from Pennsylvania agrees.

Mr. SPECTER. Take another minute.

Mr. SANTORUM. I wanted to know if the Senator from Pennsylvania happened to agree with my analysis.

Mr. SPECTER. Absolutely.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. SPECTER. No. I don't have enough time, I regret to say. Let me make a concluding argument. If time remains, I will yield for a question from the Senator from Montana.

We have heard this business of a single shot. That is what we do around here. We fire single shots. We have a problem, and we try to structure legislation to answer the problem. We should fire single shots.

The most fascinating part about this argument today is that not one public policy argument has been advanced against this proposition. Nobody has said this is bad public policy. They have said that it is the jurisdiction of the Finance Committee. Senator SANTORUM and I were on this floor on January 9 asking unanimous consent to take up the bill, and the Senator from Montana, then the chairman, and the Senator from Iowa, then the ranking member now reversed, said we will try to give you a hearing in January. No hearing has been scheduled. We went ahead in the Appropriations Committee. We heard from the executive director of the PBGC and the general counsel. They had not one public policy argument to advance against what we have said.

Mr. BAUCUS. Mr. President, will the Senator yield on that very point about the public policy argument?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. SPECTER. Twenty seconds.

Mr. BAUCUS. Will the Senator agree, strong public policy, which this body has adopted, is that a company does not borrow from their pension funds for their own corporate purposes? That is a strong public policy point.

Mr. SPECTER. Mr. President, has the time expired?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Mr. President, the business about borrowing from the pension plan is a purple herring. It does not even rise to the level of being a red herring. Nobody has said anything about borrowing from the pension plan.

Here we have an amendment which is a rifleshoot to protect the pensions of thousands of pilots. Otherwise, the PBGC is going to have to pay out money. This jurisdictional business does not have any standing when the equities are so strong in favor of this amendment.

Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty seconds.

Mr. SPECTER. Mr. President, in summation, I believe the arguments are overwhelmingly in favor of this amendment. I am joined by Senator SANTORUM, Senator WARNER, Senator ALLEN, Senator DOLE and Senator CLINTON.

A beneficial question was asked by Senator DOMENICI. We deal in rifleshoots. We deal in protecting our constituents. And Pennsylvania has a big constituent interest, but so does America. This is the country's sixth biggest airline.

The PRESIDING OFFICER. The time has expired.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I move to table this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 31, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—64

Akaka	Dayton	McCain
Alexander	Dorgan	McConnell
Allard	Ensign	Miller
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham (FL)	Nickles
Breaux	Graham (SC)	Pryor
Brownback	Grassley	Reid
Bunning	Hagel	Roberts
Burns	Hatch	Sessions
Campbell	Hollings	Smith
Chafee	Hutchison	Stabenow
Chambliss	Inhofe	Stevens
Cochran	Johnson	Sununu
Coleman	Kohl	Talent
Conrad	Kyl	Thomas
Cornyn	Lautenberg	Voinovich
Corzine	Levin	Wyden
Craig	Lincoln	
Daschle	Lott	

NAYS—31

Allen	Dole	Reed
Biden	Domenici	Rockefeller
Boxer	Durbin	Santorum
Byrd	Edwards	Sarbanes
Cantwell	Gregg	Schumer
Carper	Jeffords	Shelby
Clinton	Kennedy	Snowe
Collins	Landrieu	Specter
Crapo	Leahy	Warner
DeWine	Lugar	
Dodd	Mikulski	

NOT VOTING—5

Feinstein	Inouye	Lieberman
Harkin	Kerry	

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator DURBIN be allowed to call up an amendment which we will accept and then Senator MCCAIN call up an amendment which we will accept. We are working on a unanimous consent request and, if it is accepted, there will be no more votes tonight. We have not quite gotten that straight yet. We cannot announce that yet. As soon as we get this unanimous consent request adopted, we will be able to make that announcement.

For the time being, does the Senator have a time limit on his amendment?

Mr. DURBIN. Five minutes.

Mr. STEVENS. Five minutes on the Durbin amendment. How much time on the McCain amendment?

Mr. MCCAIN. Senator KYL and I would both like 15 minutes, if that is agreeable.

Mr. STEVENS. Each?

Mr. MCCAIN. Ten each.

Mr. STEVENS. Ten each.

Mr. DURBIN. Mr. President, I say to the Senator from Alaska, I note the presence of my colleague, Senator DEWINE, who would also like 5 minutes. A total of 10 minutes.

Mr. STEVENS. Fifteen minutes for Senator DURBIN and Senator DEWINE, and 20 minutes for Senator MCCAIN and Senator KYL—10 minutes each for Senator KYL and Senator MCCAIN. Is that agreeable?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. After which we will accept the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. And that no amendments be in order to these amendments. I ask there be no amendments in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 127

Mr. DURBIN. Mr. President, I express my gratitude to my colleague and cosponsor of this amendment, Senator DEWINE from Ohio. It has been a bipartisan effort from the start, and we would not be at this successful moment without him. I thank him from the bottom of my heart for his dedication to this cause. I particularly thank the Senator from Alaska. He led the effort to fund the first effort to deal with the AIDS epidemic. I salute him for his leadership.

I call up amendment No. 127.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DEWINE, Mr. DASCHLE, Mr. KENNEDY, Mrs. BOXER, Mrs. MURRAY, Mr. SCHUMER, Ms. MIKULSKI, Mr. LEAHY, Mr. KOHL, Mrs. CLINTON, Mr. BIDEN, Ms. LANDRIEU, Mr. CORZINE, Mr. EDWARDS, Mr. LAUTENBERG, Mr. COLEMAN, Ms. COLLINS, Mr. BROWNBACK, Mr. SMITH, Mrs. DOLE, Mr. SPECTER, and Ms. SNOWE, proposes an amendment numbered 127.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional amount for funding global HIV/AIDS programs)

On page 311, between lines 7 and 8, insert the following:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT CHILD SURVIVAL AND HEALTH PROGRAMS FUND ADDITIONAL AMOUNT FOR GLOBAL HIV/AIDS PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, \$180,000,000, to remain available until September 30, 2004: *Provided*, That of such amount, not less than \$100,000,000 shall be made available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (in addition to amounts made available for contribution to such Fund under any other provision of this Act): *Provided, further*, That, of the additional amount appropriated under this heading, up to \$25,000,000 (not to be derived from the amount made available for contribution under the preceding proviso) may be transferred to (and upon transfer shall be merged with) amounts appropriated for the Department of Health and Human Services for the Centers for Disease Control and Prevention for disease control, research, and training under title II of division G of this Act, which shall be made available for child survival, maternal health, and other disease programs and development activities to prevent, treat, care for, and address the impact and consequences of HIV/AIDS: *Provided, further*, That not more than seven percent of the total amount appropriated under this heading may be made available for administrative costs of departments and agencies of the United States that carry out programs for which funds are appropriated under this heading, but funds made available for such costs may not be derived from amounts made available for contribution and transfer under the preceding provisos.

Mr. DURBIN. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the amendment: Senators CLINTON, BIDEN, LANDRIEU, CORZINE, EDWARDS, COLEMAN, COLLINS, BROWNBACK, SMITH, DOLE, SPECTER, and SNOWE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I will speak briefly to the substance of this amendment.

This amendment adds \$180 million to the U.S. effort to fight the global AIDS epidemic. I believe future generations will judge our work by many standards. One of the first tests of public service will be what we did to respond to the most devastating epidemic in history. The challenge of global AIDS is a challenge to each and every one of us blessed with good health, a bountiful life, and a conscience. Today, with this amendment, the United States will increase its spending on the global AIDS crisis by 50 percent over last year's level. With these dollars, children will not be orphaned, communities will have hope, and we will extend a hand to help the least of our brothers and sisters.

Now we turn to the world community and ask that they join us, increasing their commitment with the United States to this struggle, showing our mutual resolve to commit the resources, the energy, and the leadership to save a world at risk.

I am hoping that by the end of this week, Senator DEWINE, Senator GRAHAM of Florida, and a few others will be able to make a trip with me to visit Haiti. As far as my experience is concerned, it is the first time—Senator DEWINE has been there many times—to see that the AIDS epidemic is not across the ocean, it is in our backyard. It is in every part of this world. It threatens us from every direction. Once one has seen it face to face, they will never, ever be the same.

Two years ago, I went to Africa and saw it myself. I saw it in Uganda, where I sat on a porch with mothers who were HIV positive, who were gathering scrapbooks, photos, notes, and little memorabilia of their lives to leave to their children who were in the yard playing, children who had been orphaned already, losing one parent, and were about to lose their second parent.

There are 42 million AIDS victims worldwide, most of them in sub-Saharan Africa. When one meets these victims, sees their courage, and sees what little it takes to fight this AIDS epidemic successfully, as they have in Uganda and a few other countries, they realize that our leadership and our commitment at this moment in history can make such a difference.

The United States has again shown leadership with this amendment. I thank Senator STEVENS and my colleagues in the Senate for joining what I consider to be a historic moment. We have made a commitment on behalf of our country, which we hope others in the world will join, and in so doing, I believe we can catch, and I hope apprehend, this epidemic before it is out of control, bringing peace and joy to the minds of many who today are suffering around the world.

I thank my colleague Senator DEWINE. It has been a genuine joy to work with him on this. I thank him for his commitment.

I ask unanimous consent that Senator DODD be added as a cosponsor of this amendment as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. I thank my colleague for adding me as a cosponsor. I commend my colleague from Illinois for taking the leadership on this effort. I also commend our colleagues on both sides of the aisle for endorsing and supporting this proposal.

Over the last number of days, there have been rare occasions when we have found some common ground. At this late hour on Wednesday night, it is refreshing to know that on this matter, and I think eventually on the matter raised by Senator NELSON of Florida earlier, the issue of starvation and hunger, we will eventually find some common ground as well.

The leadership of Senator DURBIN is something that ought to make all of us proud as Members of this body that the United States can step up to the forefront and try to do everything we possibly can to alleviate the hardships

caused by this scourge. I commend him for his efforts. I thank others who have joined Senator DURBIN as a cosponsor and thank Senator STEVENS for his willingness to accept this amendment and to endorse it.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise in the support of Senator DURBIN and Senator DEWINE's amendment to increase U.S. support for the fight against the HIV/AIDS pandemic. As a 10-year member of the Senate Subcommittee on African Affairs—and over half of those years have been as either the ranking minority member or the chairman—I have seen the terrible unfolding of the pandemic. I have read and repeated the numbing statistics that grow more horrifying every year. In 2002 alone, 3.1 million people died of AIDS. Five million were infected with HIV over the course of the year, and 42 million people were living with the virus by the end of the year. Ten million children have been orphaned by AIDS, and that number is expected to quadruple in the next 10 years. And I have seen the reality of these statistics in individual faces; I have met with orphans, with the sick, with the dying, and with the mourning. And while most of my own experience with this disaster has been in the African context, this is not only an African problem. In India, China, Russia, and the countries of the Caribbean, the terrible statistics have begun their own march steadily upward as the pandemic is taking hold.

The devastation is all the more appalling each year not just because the numbers grow, but because each year we have more tools at our disposal to fight this catastrophe. We know more about what works in terms of prevention and public awareness; we have improved treatment protocols and developed more effective methods for stopping the transmission of HIV from mother to child. But we still have not developed the will to scale up our activities and to use these tools on a grand scale.

The world simply must do more. Whole communities are being gutted—robbed of their core of productive adults. Whole societies—whole countries, even—are at risk. I urge my colleagues to consider the magnitude of the crisis, consider the human tragedy involved, consider the consequences of massive destabilization in the developing world, and to support this amendment. It is not going to solve the problem before us, but it is a step in the right direction, and we must take these steps at our every opportunity.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank Senator DURBIN for the great work he has done. I thank Senator DODD, Senator COLEMAN, and all of those who have worked on this bill to bring us to this point. I also thank Senator TED

STEVENS for raising the amount of money that this bill originally had by \$50 million, at our request. And then coming along, he brought this bill to the floor and agreed to this amendment. I am very grateful. He has been a leader in this area.

I also thank the majority leader, BILL FRIST, who has great vision in this area and great compassion as well. My colleague from Illinois has said it very well. When you travel to Africa or, as my wife Fran and I have, to Haiti, when you see these children, when you hold them, touch them, talk to the people who care for them, when you know these children whom you see or are holding in all likelihood many of them are going to die, it truly does change you forever. When you leave those countries and when you leave those children, you know you cannot just leave. You know you have to try to do something. That is an experience I had, it was an experience my wife Fran had, but we are not unique. I know my colleague BILL FRIST has traveled to Africa. When he goes there, he can do much more than I can. He can work as a medical doctor. I know Senator INHOFE goes, as well as many other people, and they see this, and they come back. I have talked with so many of my colleagues.

This amendment says to the world that the United States of America does not just care, does not just want to use its rhetoric, but that we are going to back that up with our dollars and that we are going to do something about it and that, as the richest country in the world, we are going to lead in this area. We are going to be a leader in the world.

In the last several years, we have done a lot better. My colleague has said our spending level in this area has gone up significantly, and I compliment my colleagues on the Appropriations Committee for that. With this amendment, we are upping that a lot more. It is \$150 million more. That money goes a long way. That money can be used primarily in two significant ways. One is to help in the area of the transmission from mothers who have AIDS to their babies. It is an amazing statistic. We know, medical science tells us and the experts tell us, if we can reach these mothers early enough, before they give birth to that child who will have AIDS because the mom has AIDS, and get medical treatment to her and get the proper drugs to her that really cost comparatively little, we can save that child.

Two out of three of the children who will be born, if the mother gets the appropriate drugs, will not have AIDS. Think of the savings in dollars and cents, let alone the human savings. We can do that. Yet children are being born every single day with AIDS who needlessly would not have to have AIDS.

With the great plagues in Africa today and the great plagues in Haiti today, there are a number of children

who are orphans. All throughout this little country of Haiti, there are thousands of orphans. Why? Because there are not the drugs to keep the parents alive. And that is transforming that little country of Haiti. For the next year, there will be just as many incidents of AIDS in Haiti, a country of 8 million people, as there will be in the entire United States of America. We can see this is a problem not just in sub-Saharan Africa, it is a problem in a country that is only a 1-hour flight from Miami.

So this bill goes a long way to deal with this problem. It speaks volumes. It says we care and we are going to put our money where our mouth is. It is a step forward.

It does not do everything, we have a long way to go, but I think it is a great bipartisan effort. I thank all of my colleagues for getting behind this. I thank Senator STEVENS for accepting the amendment. I again pay tribute to Senator DURBIN, who has been a real bulldog on this. I thank all of my colleagues who have really made a great commitment to it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time remains?

The PRESIDING OFFICER. Four minutes.

Mr. LEAHY. Mr. President, I support this amendment and I congratulate my friend from Illinois, Senator DURBIN. He has been a passionate, relentless advocate for increased funding to fight the horrific scourge of AIDS.

The foreign operations portion of this omnibus appropriations bill contains \$791 million for international programs to fight AIDS. That is a lot of money, and I applaud Senator MCCONNELL, the chairman of the Foreign Operations Subcommittee, for including those funds, which is similar to the amount that was reported by the Appropriations Committee last July.

It is a lot more than we were spending to combat AIDS just 2 or 3 years ago. But think about it another way. The amount we expect to provide in 2003 on AIDS, which threatens the lives of each of the world's 6 billion people—is less than what my own State of Vermont, with a population of only 600,000 people, will spend on health care during that same period.

So while the United States is doing more than ever, and we can point to successes in several countries such as Uganda, Thailand, and Brazil, the reality is that the AIDS pandemic is out of control.

It is spreading faster, not slower. Forty million people are infected. Almost nobody is receiving treatment. Twenty five million people have died from AIDS-related causes, and at the current rate that number is expected to exceed 65 million by the year 2020.

The reality is that despite everything we have done and are doing, we are failing miserably to control this pandemic. Until we develop a strategy that

matches the challenge, and until we start thinking in terms of billions, not millions, of dollars, we will continue to fail.

The alternative is unthinkable, but it is by no means far-fetched. 100 million deaths, 200 million, 400 million, this virus spreads exponentially and so does the cost of controlling it.

Imagine waking up tomorrow morning and learning that every single man, woman, and child—every single person—in Miami, Minneapolis, Atlanta, Denver, Boston, Seattle, Washington, DC, New York City, Los Angeles, Chicago, Houston, Philadelphia, San Diego, Detroit, and Dallas combined had a virus for which there was no cure.

That is the reality in Africa today. Every hour—hour, not day, not week not month, every hour—AIDS buries another 250 Africans.

Within the next decade, at the current rate, more than 40 million children in Africa will lose one or both parents to AIDS.

Many of these children will end up on the streets, turning to crime, drugs or prostitution, driving the rates of HIV even higher, perpetuating this vicious cycle.

This is an enormous challenge for Africa, but it is an even greater challenge for the world.

Every day, another 12,000 people are infected and millions more continue to suffer needlessly.

In India, the infection rate is skyrocketing. In China, only 4 percent of the Chinese population even knows how AIDS is spread.

It is a grim picture, but there is a great deal we can do. We do not have a cure for AIDS and there is no vaccine in sight, but we know how to protect ourselves from the HIV virus. We can provide basic care to the sick, and mobilize communities to support the growing number of AIDS orphans.

We know how, for pennies a day, to treat the half of all AIDS patients who will otherwise die from the pneumonia, tuberculosis, or meningitis that prey upon weak immune systems. We have to get these drugs, as well as antiretroviral drugs which have been available in wealthy countries for years, to people in poor countries that need them.

We know how to reduce the transmission of AIDS from mothers to children. We must also care for the mothers who are sick, because a young child without a mother in these countries cannot survive.

We know all these things but, even so, we are failing. The disease is spreading out of control. What we lack, even after all these years, is a global plan.

This administration, as the one before it and the one before that, has no plan for how to mount a global campaign to combat the most deadly virus in history. There is no strategy for dealing with 40 million AIDS orphans, no strategy for getting treatment to

the 40 million people infected today, or the 50 million who will be infected in another 3 years, no strategy for expanding education and prevention programs on the scale that is called for.

It is not enough to point to a few success stories, as important as they are. You have to look at the big picture. Despite everything we have done and are doing, we have failed miserably. This deadly pandemic is out of control, and the amount of money being spent is a pittance of what is needed.

If we are going to conquer—or at least control—this disease, we need to think differently about it. It sounds cliché and it has probably been said many times before, but we need the health equivalent of the Manhattan Project or putting a man on the moon. We need to increase our investment not linearly but exponentially. Where we are spending millions we need to spend billions.

Unless we start treating AIDS as a global health catastrophe, not just someone else's problem, we will face a far worse, and far more costly, crisis in the future.

The world faces immense challenges—from global warming to the threat of nuclear, chemical and biological weapons, to poverty on a vast scale. We cannot ignore any of challenges because they all affect the security of future generations of Americans.

But when those same future generations look back at this time and place, I believe they will judge us, more than anything, on how we responded to AIDS. It is the most urgent, the most compelling, moral issue of our time.

This amendment is a step, and an important one. I urge President Bush, who has shown real leadership in focusing our country and the world on combating terrorism, to think differently about AIDS. As serious a threat as international terrorism is, and we are spending many billions of dollars to protect ourselves from terrorists, measured by the number of victims it pales compared to AIDS.

Last year, the White House opposed an earlier amendment by Senator DURBIN, to provide \$500 million in emergency funding to combat AIDS. Because of the White House's objection, that amendment was defeated. I hope we do not repeat that mistake today because if AIDS is not an emergency, nothing is.

To those who would say we cannot afford the additional \$180 million provided in this amendment, I say look at the past decade. Look at the past two decades. If we had only acted then. We could have saved tens of millions of lives and billions of dollars. Instead, there was monumental failure of leadership, and today we are facing costs that were unthinkable then.

Have we learned nothing? I hope we have. Let us pass this amendment.

Mr. KENNEDY. Mr. President, I join in support of the amendment offered by the Senator from Illinois, Senator DUR-

BIN, and by the Senator from Ohio, Senator DEWINE, to provide urgently needed help in the international battle against AIDS, TB, and malaria.

AIDS killed 3 million people last year, TB almost 2 million, and malaria killed more than 1 million, mostly children in Africa. These terrible diseases end lives, destroy families, undermine economies, and threaten the stability and progress of entire nations.

AIDS, TB, and malaria rob poor countries of the workers they need to develop their economies. They lose teachers needed to combat illiteracy and train their workers for modern challenges. Africa has lost 7 million farmers needed to meet the food needs of entire nations. These diseases plunge poor nations into even deeper, more desperate poverty.

We must carry the fight against AIDS, TB, and malaria to every corner of the globe. And the Durbin-DeWine amendment would help the United States and the world to meet this extraordinary challenge.

While we still seek a cure to AIDS, we have learned to help those infected by the virus to lead long and productive lives through the miracle of prescription drugs.

But this disease knows no boundaries. It travels across borders to infect innocent people in every continent across the globe.

We have an obligation to continue the fight against this disease at home. But we should also share what we have learned to help those in other countries in this life-and-death battle. And we must do all we can to provide new resources to help those who cannot afford today's therapies.

As we sought to enforce child labor laws at home, we also worked to protect children abroad. As we developed new ways of promoting children's health and public health, we have shared these lifesaving discoveries with other countries in need.

And once again, we are called upon to open the doors between nations to do all we can to halt the spread of AIDS, TB, and malaria, and to treat those infected by these deadly diseases.

Twelve years ago, this country demonstrated its commitment to the care and treatment of Americans living with AIDS by passing the Ryan White Care Act. Since that time, community-based care has become more available, drug treatments have been developed that nearly double the life expectancy of HIV positive individuals, and public campaigns have increased awareness of the disease. Yet, advances such as these remain largely the privilege of wealthy nations.

AIDS inflicts a particular toll on developing countries. Globally, 40 million people have HIV/AIDS, and the overwhelming majority live in poor countries. Sub-Saharan Africa is the most affected region, where nearly all of the world's AIDS orphans live.

Governments can make the difference in battling this epidemic.

Where governments in poor countries have been provided resources to fight the spread of AIDS, infection rates have dropped 80 percent. But these countries cannot turn the corner on AIDS on their own. Their governments must be provided the technical assistance and resources to carry out anti-AIDS campaigns. They need financial help to afford expensive antiretroviral drugs. And drug companies must do their part to make these drugs more affordable to the poor.

The challenges are great, but not insurmountable. The epidemic is in its early stages. In most regions of the world, the prevalence rate is still less than 1 percent of the population. But we cannot delay. It only took 10 years for the HIV/AIDS population to double in the Russian Federation. And in South Africa, the rate increased from 1 in 100 people to 1 in 4 in one decade.

The Durbin-DeWine amendment would help the United States and the world to meet the extraordinary challenges of AIDS, TB, and malaria. By supporting this amendment to increase the funding for bilateral AIDS prevention, care and treatment, as well as the United States commitment to the Global Fund, we will be helping to address the global public health crisis and maintain international stability.

I thank Senator DURBIN and Senator DEWINE for offering the amendment, and I urge my colleagues to support it.

Mr. DURBIN. I yield 2 minutes to my colleague from Minnesota. I precede this by saying I was particularly touched by his decision to add his name as a cosponsor of this amendment. He is new in the Senate. I do not know him well. But he has made a fabulous first impression on me that he would stand up so early in his Senate career for such an important issue.

I yield 2 minutes to the new Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my distinguished colleague from Illinois for yielding the floor and giving me this opportunity.

Two weeks ago yesterday, I was sworn in as a Senator. This is the very first amendment I signed onto. I appreciate this opportunity.

All too often, we talk about all politics being local, but there is a global aspect. We are touched by what happens around the world. The Jewish philosopher Maimonides said we each should view ourselves as if the world were held in balance and any single act of goodness on our part can tip the scales.

The reality is the impact of this amendment will tip the scales again and again and again and it will change the world.

As my colleague from Ohio discussed, we reach one mother, we save one child. I believe this is a national security issue. If we do not deal with the plague and the plight of AIDS, it will have a tremendous impact upon our security here.

I believe this is a humanitarian issue. We are doing the right thing.

I thank my colleague from Illinois for his leadership in helping me be part of doing what is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I conclude briefly by saying there are many people in this world who do not understand the United States of America. There are many people in this world who hate the United States of America. They do not understand who we are. They do not understand our values.

Tonight, the Senate, with this small effort, is trying to say to the world that we care, we are part of this global community that wants to make this a better Earth, better for everyone to live on. I hope that some who judge us will judge us by what we have done tonight.

I express my gratitude to all the Senators who have joined me in this effort, particularly Senator DEWINE, in passing this important amendment. I urge adoption of the amendment.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 127) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Could I ask the regular order?

The PRESIDING OFFICER (Mr. COLEMAN). The Senator is to be recognized to offer an amendment.

AMENDMENT NO. 54

Mr. MCCAIN. On behalf of Senator KENNEDY, Senator KYL, Senator FEINSTEIN, and myself, I believe there is an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. KYL, for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. FEINGOLD, proposes an amendment numbered 54.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make funds available for the Entry Exit System)

On page 95, line 7, strike "\$3,076,509,000" and insert the following: "\$3,241,787,000: *Provided*, That of the amount appropriated under this heading \$80,200,000 shall be available only for the Entry Exit System, to be managed by the Justice Management Division: *Provided further*, That, of the amounts made available in the preceding proviso, \$42,400,000 shall only be available for planning, program support, environmental analysis and mitigation, real estate acquisition, design and construction: *Provided further*,

That \$25,500,000 shall only be available for an entry-exit system pilot, including demonstration projects on the southern and northern border, and \$12,300,000 shall only be available for system development: *Provided further*, That none of the funds appropriated in this Act, or in Public Law 107-117, for the Immigration and Naturalization Service's Entry Exit System may be obligated until the INS submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: *Provided further*, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107-77: *Provided further*, That none of the funds made available by this Act shall be available for any expenses relating to the National Security Entry-Exit Registration System (NSEERS), and that the Attorney General shall provide to the Committee on Appropriations all documents and materials: (1) used in the creation of the NSEERS program, including any predecessor programs; (2) assessing the effectiveness of the NSEERS program as a tool to enhance national security; (3) used to determine the scope of the NSEERS program, including countries selected for the program, and the gender, age, and immigration status of the persons required to register under the program; (4) regarding future plans to expand the NSEERS program to additional countries, age groups, women, and persons holding other immigration statuses not already covered; (5) explaining of whether the Department of Justice consulted with other federal agencies in the development of the NSEERS programs, and if so, all documents and materials relating to those consultations; (6) concerning policy directives or guidance issued to officials about implementation of NSEERS, including the role of the FBI in conducting national security background checks of registrants; (7) explaining why certain INS District Offices detained persons with pending status-adjustment applications; and (8) explaining how information gathered during interviews of registrants will be stored, used, or transmitted to other Federal, State, or local agencies."

Mr. MCCAIN. Mr. President, I join my friend, Senator KYL, and thank him, Senator KENNEDY, Senator FEINSTEIN, and Senator FEINGOLD. I also thank Senator STEVENS for his agreement to this amendment which we think is a very important amendment.

I understand that under the previous order, I have 10 minutes and the other Senator from Arizona has 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, this amendment restores \$165 million, which was the level of funding requested by the President, to the INS for development and implementation of the exit-entry systems to be used at ports of entry across the United States.

Before any of my colleagues might have an impression that somehow I am breaking some of my iron rules, the fact is this amount of money was requested by the President in the President's budget, so what Senator KYL and

I are achieving here is the restoration of at least some of those funds for this very important program.

This morning, on the front page of the Wall Street Journal:

A Ranger's Death Shows New Hazards Of a Venerable Job. Law Enforcement Has Become A Bigger Part of Duties; Some Bridle at the Change. A Gunfight on the Border.

Organ Pipe Cactus National Monument, Ariz.

In the ovenlike afternoon heat last Aug. 9, Kris Eggle got a call for help.

Mexican police were chasing a truck that was about to cross the poorly marked national border into this desert park. Mr. Eggle, a 28-year-old park ranger, raced to the scene and found the truck stuck in a dust-filled pothole on the U.S. side. Several men spilled out and ran.

Mr. Eggle spotted one of them trying to hide behind a bush. He approached the suspect and prepared to arrest him, when the man whipped out an AK-47 automatic rifle and fired.

Mr. Eggle, a dedicated member of the U.S. Park Service, was killed in that encounter. He is the fourth park ranger to be killed in recent times as we are experiencing an increasing level of violence on our southern border.

We are in a crisis on our southern border—not just Arizona, but Arizona, unfortunately, is experiencing a majority of these problems because there have been crackdowns in California and in Texas, which has then funneled people up through Arizona.

This is a tragedy—a tragedy. Last year, 320 illegal immigrants died in the desert of Arizona trying to get across, usually exploited by unscrupulous coyotes, as they are called, who brought them across the border and said, "Tucson is right over the next hill," and left them to die in the desert of Arizona.

By the way, the motivation of those who died, I am sure, was simply to get a job so they could feed their families. The ones with the drug smugglers and the coyotes and the bad people, they don't starve in the desert because they know how to survive and they know where to go. Innocent people are dying every day in the deserts of Arizona and across this Nation. These innocent people, very frankly, are coming here because they want a better life in the United States. That is the same reason my ancestors came here and any of us who are not Native Americans.

There is a crisis in health care in Arizona. Emergency rooms are being shut down. Over \$100 million in medical expenses was incurred by the State of Arizona last year because of medical services paid for by illegal immigrants. Senator KYL will talk about the fact that it is the INS people who are waving medical emergencies across the border. That is a Federal responsibility. It is not a State responsibility. It is a Federal responsibility. Enforcement of our border is a Federal responsibility.

Do you know what else is happening? An interesting and very alarming thing is happening. People, believing—correctly—that the Federal Government

won't take care of its responsibilities, are beginning to want to take these responsibilities in their own hands in the form of vigilantism.

The Arizona Daily Star, January 3, 2003:

Bisbee militia leader Chris Simcox says he is set today to launch the first patrols along the border with members of his Civil Homeland Defense group.

Simcox has said he plans to have groups of armed citizens patrolling three areas of the Arizona-Mexico line, though he wouldn't specify the sites.

Do you know what vigilantism leads to, Mr. President? There is no doubt what it leads to; that is the death of innocent people. Our border is uncontrolled. If we are going to win a war on terrorism, how do we know who those 1,000 people a day are? A thousand people a day who are coming across the Arizona border into our country are not just people who are seeking a job, not even just drug smugglers, but could be terrorists, as well.

This amendment is attacking a small part of a major problem that we have in this Nation. I don't think it is a parochial attitude toward my own State when the facts are that three out of every five illegal aliens who are coming into the United States of America are apprehended in the State of Arizona. There are miles and miles and miles of border. What separates the United States of America from Mexico is seven strands of barbed wire. The latest tactic—I don't mean to take too much of my colleagues' time—is to take an SUV, put something in front of it, and bust right through the barbed-wire fence and bring in the drugs and bring in the illegals and everybody else who wants to get in. Senator KYL went down and talked to a rancher—11 times in 1 week SUVs have driven right across his property, a couple of them armed. Our citizens deserve better than that; those who live along the border, those who run health care facilities along the border, deserve better than that and certainly the citizens of this country deserve a better enforcement of our national borders than they are receiving today.

I say in closing that Senator KYL and I, along with other border State Senators, intend to make this an issue this year because it has to be addressed. It has to be addressed.

If we are going to preserve the security of this Nation, we have to have protection of our borders. It may cost money. It may be a difficult task to achieve. But the consequences of a failure to act are unacceptable.

I yield the remainder of my time and again I thank Senator STEVENS for helping us with this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, we are prepared to accept the amendment, and I ask it be adopted.

The PRESIDING OFFICER. There is time remaining.

Mr. KYL. I would like to speak on it as well.

Mr. STEVENS. I am sorry, I thought the Senator had already spoken. I withhold my motion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me take a couple of minutes to amplify a couple of points my colleague, Senator MCCAIN, made and also I ask unanimous consent Senator DOMENICI of New Mexico be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, as Senator MCCAIN just noted, we have a crisis on the southern border with Mexico. We have drug and human smuggling daily. There are over 500,000 illegal immigrants a year crossing into the United States; 320 people died last year crossing into the desert area of Arizona. There is a significant degradation of the environment that has occurred because of the large number of people and vehicles coming across. The ranchers' operations are disrupted, their cattle are sent scurrying, their fences are cut, their water is taken. We have hundreds of millions of dollars of medical costs that are unreimbursed because of the emergency care that is being provided to illegal immigrants. We have the vigilantes that Senator MCCAIN talked about springing up now, an understandable reaction to a problem but not an appropriate one. We have attacks on the Border Patrol every day, and even park rangers are being killed.

This is a crisis and it has to be dealt with. I thank Senator STEVENS and the other Senators who were helpful, for helping us to restore some of the funding the President had requested, and for their willingness to accept this amendment to begin to deal with at least one aspect of this problem.

We have not only, however, a problem of controlling the border at the border, but we also have a problem of dealing with the people who come to the United States legally but stay here illegally. That is one of the specific focuses of this amendment. I would like to take just a second to talk about it.

Did you know that half of the approximately 10 million people who are here in the United States illegally today came here legally and they overstayed their visas? The problem is, we don't have an effective system in our country that can track the people who are here illegally. We have mandated it three times in the law now. It is called an Entry Exit System. One of the things this amendment will do is to restore about \$80 million to help fund this Entry Exit System.

This was originally left out of the Senate version of the bill, but as I said, thanks to the work of Senator GREGG and Senator HOLLINGS, Senator BYRD and Senator STEVENS, we were able to get this funding back into the bill.

The Entry Exit System was originally authorized in 1996 through the Illegal Immigrant and Immigrant Responsibility Act of 1996, and then it was

strengthened again in the U.S.A. Patriot Act after September 11, and again in the Border Security and Visa Entry Reform Act. In all three cases we need to basically mandate the Federal Government to institute and administer this program.

Finally, Congress has gotten the attention of the appropriate officials, and we are beginning to get this done. It makes no sense to spend all of the resources we spend to control the border and then totally ignore the fact that half of the people who are here illegally got here legally, but we have no way of tracking them and determining where they are at a given time.

There are a lot of reasons this is important, but just think about the terrorism aspect for just a moment. This will help us identify terrorists, someone who arrived on a valid visa but hasn't exited the country because they want to stay here and engage in some nefarious activity. Just imagine if we had an effective system working at the time the September 11 hijackers came here. All of them came legally but of course they weren't all remaining in the country legally after they arrived.

It will also obviously help in a lot of other ways. As a matter of fact, when someone exits the country, if our law enforcement officials need to question them for any reason, they can be stopped and therefore they can be questioned because of the effectiveness of this system.

I want to make a final comment for the benefit of the administration because Congress is now acting to begin the funding of this program.

Senator GREGG, the chairman of the Appropriations Subcommittee, has made the point in the past it always has not been a wise expenditure of money by Congress to fund INS systems because the money doesn't seem to be spent very wisely. What we are saying is, as a result of this amendment, we are willing to put confidence in the INS, in the new Homeland Security Department, Justice Department, Border Patrol, and the other agencies that have this responsibility. But we expect them to follow through on the laws that we pass so when we mandate a system, it is implemented, and we expect it to be implemented on time.

We are going to be restoring the funding so they can do that. We expect them to do their part of the job and put these systems into effect. Not only is it important to help us with the problems of illegal drug smuggling and illegal immigration and general crime control, but it is now very important to deal with the problem of terrorism and the terrorist threat to our country.

I thank Senators STEVENS, GREGG, and HOLLINGS. I thank the cosponsors of this legislation. I am very much looking forward to working with them on the problems that Senator MCCAIN and I have identified in many other areas that we are going to have to deal with this year to deal with this crisis situation on the border between the United States and Mexico.

The PRESIDING OFFICER. Is all time yielded back? The Senator from Alaska.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment offered by the Senators from Arizona.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 54) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 80, AS MODIFIED

Mr. REID. Mr. President, is amendment No. 80 pending?

The PRESIDING OFFICER. Yes, it is.

Mr. REID. On behalf of Senator DAYTON, I ask unanimous consent the Dayton amendment be modified with the changes that are now at desk, the amendment as modified be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. No. I thank the Senator from Nevada for his great work on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 80), as modified, was agreed to, as follows:

(Purpose: To amend the Homeland Security Act of 2002 (Public Law 107-296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is essential to the national security, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ CONTRACTS WITH CORPORATE EXPATRIATES.

(a) SHORT TITLE.—This section may be cited as the "Senator Paul Wellstone Corporate Patriotism Act of 2003".

(b) LIMITATION ON WAIVERS.—Section 835 of the Homeland Security Act of 2002 (Public Law 107-296) is amended by striking subsection (d) and inserting the following:

"(d) WAIVERS.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is essential to the national security."

(c) EXPANDED COVERAGE OF ENTITIES.—Section 835(a) of such Act is amended by inserting "nor any directly or indirectly held subsidiary of such entity" after "subsection (b)".

The PRESIDING OFFICER. The Senator from Alaska.

Mr. REID. If the Senator will yield? The Senator from Connecticut wishes to make a short statement. We have a unanimous consent agreement we wish to enter into.

Mr. STEVENS. Yes. I have a unanimous consent request to offer as soon as the Senator from Connecticut is finished.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I believe the unanimous consent request needs to be made to

withdraw both the Dodd and the Gregg amendments and then I will offer what will be a substitute for those two amendments. I think it needs to proceed in that order, if I am not mistaken.

Mr. STEVENS. We do plan to offer a unanimous consent request that would bring up amendment No. 217. Is that what the Senator is referring to?

Mr. DODD. I believe so.

AMENDMENTS NOS. 71 AND 78 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent the Dodd and Gregg amendments be withdrawn. Would you like to have that adopted first?

Mr. DODD. I think we ought to do that first.

Mr. STEVENS. I ask unanimous consent the pending Dodd and Gregg amendments be withdrawn. Further, that Senator DODD be recognized to call up amendment No. 217, that the amendment be modified with the changes that I, Senator GREGG, and Senator DODD have agreed to, and will send to the desk, that the amendment be agreed to and the motion to reconsider be laid on the table. After that, I will ask the Senate proceed to other amendments.

Does the Senator from Connecticut wish to be heard at this time?

Mr. REID. Mr. President, reserving right to object, I ask the Senator to complete the request. Let us get it finished.

Mr. STEVENS. Does the Senator from Connecticut withhold?

I further ask unanimous consent that the Senate then proceed to the consideration of the following amendments in the following order and that the designated times in relation to the amendments be equally divided in the usual form:

Senator FEINGOLD, amendment No. 200, 30 minutes;

Senator MIKULSKI, amendment No. 61, 20 minutes;

Senator MURRAY, amendment No. 30, 20 minutes.

I further ask consent that following debate on each amendment, the amendment be temporarily set aside and a vote occur in relation to each amendment on Thursday at a time determined by the leader, with no second-degree amendments in order to any amendments prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, Senator FEINGOLD has graciously consented to limit his time to 20 minutes equally divided.

Mr. STEVENS. Mr. President, I amend that request to 20 minutes instead of 30.

Mr. DODD. Mr. President, reserving the right to object, may I inquire, if I may have 1 minute.

Mr. STEVENS. It is my intention to ask that the Senator from Connecticut be recognized for whatever time he needs.

Mr. DODD. I would like 3 or 4 minutes to explain what the amendment will achieve.

Mr. STEVENS. Mr. President, may we have the consent agreement agreed to?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask that the Senator from Connecticut be recognized.

AMENDMENT NO. 217, AS MODIFIED

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. STEVENS, Mr. GREGG, Mr. KENNEDY, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. MURRAY, Mr. EDWARDS, Mr. DAYTON, Mr. CORZINE, Mr. KERRY, Mr. REID, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, Mr. JOHNSON, Mr. SCHUMER, Mr. BAUCUS, and Mr. KOHL, proposes an amendment numbered 217, as modified.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for special education programs)

At the appropriate place, add the following:

SEC. . Funding for the Individuals with Disabilities Education Act. Notwithstanding any other provision of this Act, in addition to any amounts otherwise appropriated under this Act for support of Part B of the Individuals with Disabilities Education Act other than section 619 of such part the following sum is appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2003, \$1,500,000,000, which shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003-2004: Provided, That notwithstanding any other provision of this Act, funds provided under this section shall not result in a further across-the-board rescission under section 601 of Division N.

Mr. REID. Mr. President, if I could direct a question to the manager of the bill, it is my understanding that the majority leader has said there will be no more rollcall votes tonight.

Mr. STEVENS. Mr. President, it is my privilege to announce that. I was going to do that after the Senator from Connecticut was finished. I assume he is not going to want any further votes. I announce in behalf of the majority leader that there will be no further votes this evening. The next vote will occur tomorrow at probably around 11 o'clock.

Mr. DODD. Mr. President, I thank the distinguished chairman of the Appropriations Committee, Senator STEVENS, and Senator GREGG, and, of course, my colleagues Senator MIKULSKI and others who spoke eloquently on this subject matter a few days ago regarding special education funding. I say to my colleague from Alaska that he has been a great help.

This \$1.5 billion for special education is going to make a huge difference for schools and communities during the

2003-2004 school year. This is 1-year funding—it is not fully funding special education as we have promised, but it is a great step. As I look at the Presiding Officer, a former mayor, I know that Governors all across this country, as well as mayors, consistently put special education funding at or near the top of their list of priorities. And, it is especially important to note that unlike some other amendments that the Senate has adopted the past few days, this funding will not come through across the board cuts that include such critical programs as Head Start, WIC, and others that I have talked about. This is the way for us to address our priorities.

I am very grateful to my colleagues for supporting this. I will not take a lot of time this evening to go into it. Obviously, it makes a huge difference to our States, our communities, and, of course, families and children who will be the direct beneficiaries of these efforts.

Our colleague from Alabama spoke the other day about the importance of reform in this area. I agree that we need to review these programs to make sure the dollars are reaching the families who need them. And we will be reauthorizing IDEA in this Congress as we have in the past. But in the midst of a lot of pressure, I say to the Senator from Alaska, the chairman of the committee, that this is a special moment.

While it is late evening, and there will be no other recorded votes tonight, I want to thank him immensely for working out a solution to this. This may not be perfect. I know that some are a little bit disgruntled over how we managed to get this done. But this will truly make a difference in the lives of children and families. It is a special moment as we begin this 108th Congress. So, again, I thank the Senator from Alaska, and his staff, for working this out with us.

And, I thank my colleagues who have been stalwart. Senators HARKIN, JEFFORDS, and HAGEL, among others, who have done, and I know will continue to do, a tremendous amount of work in this area.

Finally, I hope and expect that this amendment, which includes not only myself and the many other Democrats I listed as co-sponsors, but also Senator STEVENS, the chair of the Appropriations Committee, and Senator GREGG, the chair of the Health, Education, Labor, and Pensions Committee, will be maintained in conference. I urge the conferees to oppose any effort to strip this provision that is so critical to our children and families.

Mrs. MURRAY. Mr. President, I would like to add my wholehearted support for the amendment offered by my friend from Connecticut.

The passage of IDEA was a watershed event—for children with disabilities and for all Americans.

By opening the doors of our public schools, we enabled millions of tal-

ented students to join their peers in becoming productive members of society.

Equally important, we improved education for all students by allowing them to know the strength and richness that diverse people with different experiences, challenges, and abilities bring to our lives.

Finally, we took yet another critical step on our journey to becoming a country that lives out our ideals of democracy, opportunity, and equality.

Because we have not lived up to the commitments made in IDEA, the full promise of this law has yet to be fulfilled.

Having failed to provide the full 40 percent of excess cost that was committed over 25 years ago, we have cheated students of the high-quality education they deserve.

This amendment gives us another chance to right that wrong and move forward on a path to full funding.

Last year during the ESEA debate, this body unanimously adopted an amendment that would have fully funded IDEA over the next 6 years.

The Dodd amendment would add the first increment of the full funding to the appropriations bill.

I hope my colleagues have not changed their minds about the importance of funding special education. I hope this amendment will also be adopted unanimously.

Frankly, given my home State's projected budget shortfall of \$2.4 billion, these funds are even more desperately needed to maintain and improve education for children with disabilities.

We have all agreed time and again that it is important to fully fund IDEA. Now we can actually provide the dollars to back up those statements. With this amendment, we have the opportunity to make an important choice for our children's future.

Are we going to make the investment in education that all our children deserve?

Or are we going to offer another false promise?

Cheating children of their education cheats them of their chance to succeed.

This is especially true for children with disabilities, who already face a more challenging future. We must do everything in our power to ensure all children have that chance.

I ask my colleagues to join me in supporting this amendment.

Mr. President, recently I received a note from an educator in my state reminding me what this money could mean for our students.

Northport School District is a small, rural school district nestled between the Idaho panhandle and the border with British Columbia. It serves 202 students in grades K-12.

Mary Swaim is both the special education director and the only special education teacher in Northport, WA. She has one aide, who spends the majority of her day giving physical therapy to six students.

Mary told me that they currently have 15 special needs students with disabilities that range from Autism to

muscular dystrophy and from Down's Syndrome to learning disabilities.

According to Mary, one of these students costs the district \$30,000 a year. They have spent a small fortune on therapeutic equipment that includes a Hoyer lift, tables, wheel chairs, walkers and therapy balls.

But Mary's concern is not the cost of educating these children. She is worried that this small school cannot afford the staff to provide the quality education these students deserve.

According to Mary, fully funding IDEA would give Northport the money to hire another special education teacher, and would greatly improve these children's chance to learn and to succeed.

Mary told me:

I've watched your legislation to keep class sizes small in general education but, in special education, we frequently have higher numbers than the general education classes and all of our students have far greater needs. More funding would mean quality education. Thank you so much for asking my opinion.

I believe we need to do more than ask Mary's opinion. I believe we need to listen to her valid concerns and act, as we can today, to make a difference for the students about whom she is so rightly concerned.

Mr. President, I ask unanimous consent that a letter from Mary Swaim be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Dear Senator MURRAY: You asked what difference it would make to me and my students if IDEA were funded at 40 percent. Northport School District is a small, rural school with 202 students K-12 and we have a B-3 Early Headstart program/4-5 year old EACAP program renting space on our campus. We currently have 15 special needs students that include Autism, multiple handicaps, muscular dystrophy, mental retardation and specific learning disabilities. We could hire a full time teacher on what it costs this district for the autistic student alone (\$30,000.00). The muscular dystrophy student costs at least \$12,000.00 a year over the funding we receive for him. We have an autistic student who will be three years old in March and will be added to our program and we have two multiple handicapped kindergarten students who require speech, occupational therapy and physical therapy. We have spent a small fortune on therapeutic equipment that includes a Hoyer lift, tables, wheel chairs, walkers and therapy balls. I am the special education teacher/director. I have one full time aide and the majority of her day is spent delivering physical therapy to six students. We receive only a small portion back from Medicaid on what we put out on our students. This small school cannot afford the staff to provide a quality education to these students. I've watched your legislation to keep class sizes small in general education but, in special education, we frequently have higher numbers than the general education classes and all of our students have far greater needs. More funding would mean quality education. Thank you so much for asking my opinion.

Mary Swaim, Northport School District #211

Mr. STEVENS. Mr. President, has the amendment been agreed to?

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 217), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 200

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. FEINGOLD) for himself, Mr. LEAHY, Mr. WYDEN, Mrs. BOXER, and Mr. DURBIN, proposes an amendment numbered 200.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restrict funds made available for IMET assistance for Indonesian military personnel to "Expanded International Military Education and Training" assistance unless certain conditions are met)

Before the period at the end of the undesignated paragraph under the heading "International Military Education and Training", insert the following: "Provided further, That funds made available under this heading for Indonesian military personnel shall be available only for "Expanded International Military Education and Training" assistance, unless the President determines and reports to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are (1) demonstrating a commitment to assist United States efforts to combat international terrorism, including United States interdiction efforts against al-Qaida and other terrorist organizations, and taking effective measures to bring to justice those responsible for the October 13, 2002, terrorist attack on Bali, which killed United States citizens, and (2) taking effective measures, including cooperating with the Federal Bureau of Investigation, to bring to justice any member of the Indonesian Armed Forces or Indonesian militia group against whom there is credible evidence of involvement in the August 31, 2002, attack, which resulted in the deaths of United States citizens, and in other gross violations of human rights: *Provided further*, That nothing in the preceding proviso prohibits the United States from conducting ongoing contacts and training with the Indonesian Armed Forces, including sales of non-lethal defense articles, counterterrorism training, officer visits, port visits, educational exchanges, or Expanded International Military Educational and Training for military officers and civilians".

Mr. FEINGOLD. Mr. President, I ask that Senators LEAHY, WYDEN, BOXER, and DURBIN be added as cosponsors of this amendment.

Mr. FEINGOLD. Mr. President, I rise today to offer a very simple amendment to this bill.

This amendment restricts Indonesian participation in the International Military Education and Training program, or IMET, limiting that participation to Expanded-IMET only, until the President can determine that Indonesia is doing two things—demonstrating a commitment to assist U.S. efforts to combat terrorism and taking effective

measures, including cooperating with the FBI, to bring to just those members of the Indonesian Armed Forces and militia groups against whom there is credible evidence of involvement in the August attack on American citizens.

On August 31, 2002, two American schoolteachers and one Indonesian citizen who were working at an international school for the children of Freeport McMoRan's mine employees were killed, and eight more Americans were wounded when they were ambushed on a mountain road in Papua, Indonesia. Press reports indicate that Indonesian garrisons control all access to the remote road where the attack occurred. The attackers sprayed their targets with automatic weapons—weapons that would be rare to find in the hands of separatists in the area. Police reports indicated that the Indonesian military was very likely involved in the attack, but the investigation was then turned over to the military, which, not surprisingly, has proven unwilling to investigate itself, and unwilling to fully cooperate with the FBI. In November, the Washington Post reported that intelligence agencies had obtained information indicating that, prior to the ambush, senior Indonesian military officials discussed an operation targeting Freeport and intended to discredit Papuan separatists.

The survivors of the attack, and the widows of the murdered, want their government to pressure the Indonesians to uncover the truth about the attack and to bring those responsible to justice. This Senate should support them.

I want to be very clear about what this amendment does not do. It does not cut off military contacts with Indonesia. Rather, it explicitly states that nothing in the amendment shall prohibit important national security contacts and programs, including counter-terrorism training, sales on non-lethal defense articles, officer visits, port visits, participation in conferences, or educational exchanges. The amendment explicitly permits Indonesian civilians and military personnel to participate in the expanded-IMET program, which offers a wide range of courses highly relevant to the reform efforts so important to the future of the military in Indonesia's new democratic system.

I believe that the United States should work with Indonesia to support such reforms, and should work within Indonesia and other states around the world in making the coalition against terrorism ever stronger.

The October 12 terrorist attack in Bali made plain that international terrorism threatens Indonesia just as it threatens the rest of the world, and I am encouraged by the many positive steps that Indonesia has taken in the wake of that horrific event—steps to track down those responsible using solid law enforcement methods, and

broader steps to acknowledge the reality of international terrorism's link to Indonesia. These efforts marked a welcome change from an initial reluctance in Jakarta to acknowledge the fact on the ground. More work remains ahead. The International Crisis Group recently published a powerful report on the Jamaah Islamiyah terrorist network, a group that is linked to dozens of attacks across Southeast Asia and that is believed by intelligence officials to be associated with al Qaeda. It is my hope that cooperation with Indonesia will continue to grow stronger.

But I also believe that our relations with Indonesia and the Indonesian military cannot be characterized by a business-as-usual approach until they have made a commitment to cooperate in investigating the murder of American citizens. In late December, when American citizens were brutally murdered in Yemen, the White House spoke plainly, stating that "it is our intention to bring to justice any and all people who were responsible for these murders." The White House was right to make that perfectly clear, and I take them at their word. And it is all the more important in the Indonesian case—where one of the institutions of the state may well be responsible for the murder of American citizens, where we find a long history abusive and extortionate military practices and an urgent need for military reform—it is all the more important, in this case, the U.S. make its intentions plain. We must be equally clear with the Indonesians, equally resolute in our commitment to get to the bottom of the murders in Papua. I hope that my colleagues will join me in this effort, and support this amendment.

Mr. LEAHY. Mr. President, I strongly support this amendment. It addresses a problem that has been a concern of mine for years, which is the involvement of the Indonesian military in deliberate attacks against American citizens.

I fully appreciate that Indonesia is an important country with an elected president. We want to support Indonesia in every way we can, and we are doing so. The foreign operations portion of this omnibus appropriations bill provides \$150,000,000 in economic assistance for Indonesia, a significant increase above the amount requested by the President.

We are also supporting the Indonesian military. Our armed forces are engaging with the Indonesian military at all levels, including providing them millions of dollars in antiterrorism training assistance.

So no one should be under any illusion that we are not engaging with the Indonesian military or that we are not working with them to thwart international terrorism. We are training them and we are working with them.

We are doing that despite the fact—and this is widely known—that the Indonesian military was responsible for creating and arming some of the most

radical Muslim terrorist groups in that country.

But that is not what this amendment is about. This amendment focuses on a separate, \$400,000 military training program, which was suspended in 1999 after senior Indonesian military officers orchestrated the massacre of some 1,000 people in East Timor, and then lied about it.

It was criminal, it was shameful, and it was universally condemned.

At that time, we, the Congress, said that we would resume that IMET training program when the Indonesian military took steps to bring to justice those responsible. Was that too much to ask? No one thought so at the time. Not here, not in the Pentagon.

There has been no justice. In fact, the Indonesian military has flagrantly obstructed justice, intimidating, judges and threatening witnesses.

But even worse, there is credible evidence that 5 months ago—last August—the Indonesian military purposefully singled out American citizens for assassination. That they planned an attack which left two American teachers dead and several others wounded. Since then, they have actively tried to obstruct the police investigation of the crime.

We all agree that Indonesia is an important country, and that we need to work with the Indonesian government to combat international terrorism, and on other issues. We are doing that. But should we not at least expect the Indonesian military to cooperate with the investigation of the murders of American citizens.

Is that too much to ask? It is not about the money. The amount of money is insignificant. It is about the message it sends. This amendment says that before we resume this tiny military training program, the deaths of Americans need to be investigated and the people involved brought to justice.

If the military had not actively obstructed the investigation, this amendment would not be necessary. There is even evidence that an army officer shot at a police investigator, and that a police vehicle was attacked. Only after months of refusals and obfuscation, have they finally agreed to let the FBI assist in the investigation, and we do not yet know what access to witnesses or other evidence the FBI will have.

This amendment does not cut off anti-terrorism training and it does not cut off the IMET program. In fact, it reinstates the IMET program. There should be no confusion about that. The Feingold amendment reinstates the IMET program. But not for combat training—not until they meet the conditions in the amendment.

It is a timely and reasonable amendment. It is a simple amendment. It is a victims rights amendment.

Mr. FEINGOLD. I yield the remainder of my time.

Mr. SESSIONS. Mr. President, I yield back time in opposition to this amendment.

The PRESIDING OFFICER. All time is yielded back.

Mr. FEINGOLD. Mr. President, it is my understanding we will be allotted a moment to summarize prior to the vote on the amendment tomorrow.

The PRESIDING OFFICER. There is no order to that effect at this time.

Mr. FEINGOLD. I ask the minority whip, what is the intention?

Mr. REID. Mr. President, Senator STEVENS and Senator BYRD, the two managers of the bill and all these amendments, have allowed the participants to have a minute on each side. I am sure that will happen tomorrow.

Mr. FEINGOLD. Mr. President, has the other side yielded back their time?

Mr. SESSIONS. Yes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand there are two more amendments to be called up by Senators MIKULSKI and MURRAY. For each I believe we have 20 minutes to speak on behalf of those amendments.

I see Senator MIKULSKI.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 61

Ms. MIKULSKI. Mr. President, I call up amendment No. 61 dealing with the contracting out of employment of Federal employees.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for herself, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mr. AKAKA, Mr. BINGAMAN, Mr. FEINGOLD, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, and Mrs. MURRAY, proposes an amendment numbered 61.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds to be used to establish, apply, or enforce certain goals relating to Federal employees and public-private competitions or work force conversions, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. None of the funds made available in this Act may be used by an Executive agency to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the agency to public-private competitions or converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other Administrative regulation, directive, or policy.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that my colleague, Senator HARRY REID, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, my amendment will prevent the arbitrary privatization of almost a million Federal workers. It prevents agencies from

establishing or applying or enforcing any numerical goal, target, or quota for the contracting out of Federal jobs either by public-private competitions or by directly converting jobs to the private sector.

I want to be very clear, I am not against privatization, but I believe the privatization should be based on thoughtful criteria, not arbitrary numerical quotas.

This administration has stated, in another arena, they are absolutely against quotas. So am I. But they seem to use quotas when it is convenient. I do not understand why OMB wants to use quotas to get rid of Federal employees. Let's not use quotas at all, whether it is to get into college or to get rid of Federal workers.

Right now, many people are thinking about how to reform the Federal workforce. Excellent thinking. Former Federal Reserve Chairman Volcker and Senator VOINOVICH—leaders in this area—have put a lot of work into this issue. What they are saying, loud and clear, is, we need to be able to recruit the best, we need to be able to retain the best, we need to be able to maintain the integrity of the civil service system and make sure it never lapses into cronyism or political patronage. I am for their approach.

Why am I offering this amendment? And why would that go against the thinking I have just talked about? Because the Office of Management and Budget has issued a directive calling for bounty hunters in Federal agencies to get rid of 850,000 jobs over the next 3 years. That is nearly half of the Federal workforce. No agency would be immune from these cuts. And, more importantly, there is no criteria for the cuts. Managers will be forced to meet arbitrary targets, sometimes against their will or even their better judgment—without careful criteria, without rationale, without guidelines; and without considering: Would privatization of these jobs affect national security? Is it cost-effective for the taxpayer? What is its impact on the mission of each agency? And what would arbitrary, cavalier, swashbuckling privatization mean?

I think it is a dangerous trend with our Federal employees. Look at the Customs Service. Recently, they were made part of the Homeland Security Department. Their top priority should be protecting our borders and our ports, like stopping the millennium bomber. They should be searching for terrorists instead of wasting their time searching for private companies to do part of their job.

Next let's look at DOD. We may be going to war. Yet the Army would have to contract out as many as 200,000 jobs. Transferring these jobs to the private sector could seriously erode morale and readiness. While the military is fighting a war against terrorism, and maybe even a war in Iraq, let's not have a war within the Pentagon over who gets to keep their job.

Who are the kinds of people I am talking about? I am thinking about a secretary at the FBI in the Baltimore field office who has worked there for close to 50 years. During the terrible sniper case that gripped our whole Capital region, the FBI was on the job with our local law enforcement, along with the BATF, and it was the people in the back office keeping the agency support.

What are we going to say to that secretary who has worked with field officers, who has helped keep the FBI going for over 48 years and went to the same high school I went to and, by the way, Congresswoman PELOSI? Hello. Thank you very much. You are part of a quota. You are going to be replaced by a Kelly Girl. There is nothing wrong with Kelly Girls, but there is nothing wrong with a dedicated secretary who stuck with the FBI for 50 years so they could be effective and out there on the job protecting us.

So I am not seeking an end to privatization, but I think we should follow the FAIR Act. I think we should follow OMB's A-76 circular on these kinds of things.

Privatization is a code word to go after Federal employees. I do not know why OMB wants to do this. There is even a question of whether it will save money.

First of all, we have now the smallest Federal workforce since the 1960s. Also, at the same time, we know, from Federal managers themselves, that they are really nervous about this OMB directive because they think it will, first, undermine morale; and, second, there is no clear criteria. And instead of doing the job, they now have to justify the job.

I do not know why we are so prickly, hostile to our Federal employees. Who are the Federal employees? They are the Customs inspectors, they are the nurses at our VA hospitals, and they are the people at Social Security who make sure the seniors get their checks on time.

I am a Senator from Maryland, and I am really proud of it. I represent over 100,000 Federal employees. I wish you could meet them the way I do: on the job, at supermarkets. I represent people who are Nobel Prize winners at the National Institutes of Health and the National Institute of Standards and Technology. I represent people who work for the Coast Guard who are out there protecting our coast. I represent FBI agents. I represent the National Security Agency, the faculty at the United States Naval Academy that is getting our next generation of leaders ready.

They work hard every day to guard our borders, protect our homes, get America ready for the future. Workers in the FDA are protecting our food supply and making sure our pharmaceuticals are safe. They are also the Federal employees in other parts of America, the ones who died at the World Trade Center. How about the

ones who died at the Pentagon? How about the ones who lost their lives in Oklahoma City? They were protecting our Nation. They were protecting our communities.

We said a grateful Nation will never forget. Well, let's not forget them when it comes to pushing out their colleagues from the Federal workforce. I know what Federal employees do. They work hard. They think for themselves first as citizens of the United States and second as workers at missions-driven agencies.

Let me just close by saying this. We need to have a civil service in this country. And we need to have a civil service that is reliable and has integrity and is independent.

We have gone from an age of patronage politics to an age of partisan politics. I believe the American people want us to be in an age of performance politics. That means keeping a civil service. Do not fool around with the civil service. Don't just contract it out and reward your pals through cronyism or a new form of patronage.

I fought a political machine to get into politics, and I will fight a political machine that will try to destroy the civil service of the United States.

Let's keep a strong nonpolitical Federal workforce. Let's get rid of the quotas for the OMB circular, and let's take a rational approach maintaining the civil service but privatizing those jobs that are appropriate.

I yield the floor and reserve time that I might need for rebuttal.

Mr. FEINGOLD. Mr. President, I rise in strong support of the amendment offered by the Senator from Maryland, Ms. MIKULSKI, of which I am a cosponsor.

I have long been concerned about the costs and benefits associated with the process by which the Federal Government contracts out work. In particular, I am concerned about the lack of data on whether these contracts actually achieve real savings for taxpayers, and about the effects of outsourcing on the pay and benefits of Federal workers.

I do not oppose contracting out. Such a process is often appropriate. I am concerned, however, that the arbitrary quotas proposed by the Office of Management and Budget will encourage Federal agencies to circumvent the existing public-private competition process for contracting out work without regard for what is the best use of taxpayer dollars. Contracting out affects the jobs of thousands of dedicated Government employees each year. These men and women deserve the chance to compete for this work—and for their jobs—on a level playing field.

The amendment offered by the Senator from Maryland would prohibit OMB from using numerical targets to privatize jobs currently filled by Federal employees. It would not prevent Federal agencies from contracting out. Instead, it would ensure that contracting decisions are based on what is

best for American taxpayers, rather than on arbitrary quotas set by OMB.

The language included in the Mikulski amendment was adopted by the Senate Appropriations Committee last year as part of the fiscal year 2003 Treasury-Postal appropriations bill. It was also adopted overwhelmingly by the House of Representatives by a vote of 261-166 during that body's consideration of the fiscal year 2003 Treasury-Postal appropriations bill.

I remain concerned about the administration's push to contract out hundreds of thousands of Federal jobs with little regard for true public-private competition. Late last year, OMB released its proposed changes to the Circular A-76 process, that, if adopted, would result in the privatization of 850,000 Federal jobs nearly half of the Federal workforce. The proposed revisions would allow agencies to contract out jobs currently held by Federal employees without public-private competition. In addition, the proposal would force agencies to privatize work without competition if they fail to meet arbitrary deadlines for contracting out work.

The proposal further undermines competition by rarely allowing Federal employees to compete for new work or work that is currently being done by contractors. It would also switch to a so-called "best value" system of competition, rather than continuing the current cost-based system that takes into account quality of work.

OMB's proposal does nothing to improve the tracking of costs and benefits of contracted work or to ensure that there is oversight to determine whether the contractors are providing quality services or otherwise complying with the terms of their contracts. Further, once a contractor has been awarded a job, there is no mechanism to re-compete the work at a later date to ensure that taxpayers are actually receiving the best work for the best price.

I agree that the Federal contracting system needs reform. But to rush to outsource the positions of nearly half of the Federal workforce in an arbitrary manner, and without allowing these dedicated workers to compete to keep their jobs, is shortsighted. We should proceed cautiously to ensure that the contracting process is fair to Federal workers and that it actually results in a quality, cost-effective product for taxpayers. OMB's current plan for arbitrary quotas and little public-private competition will not achieve these goals.

I urge my colleagues to support this amendment.

Mr. AKAKA. Mr. President, I rise today to support and cosponsor Senator MIKULSKI's amendment to the omnibus appropriations bill. Our amendment would prevent funds appropriated by this bill from being used to impose privatization quotas on Federal agencies. This amendment would promote sensible procurement policies by elimi-

nating the need to contract out Federal work just to meet subjective targets. Decisions to contract out Federal work, which would reduce the Federal workforce, should never be based on political objectives. This amendment is an important step towards preventing contracting decisions based on arbitrary quotas.

Under proposed regulations governing privatization, up to 850,000 Federal employee jobs will be reviewed for privatization. At minimum, the administration intends to open up at least 425,000 Federal jobs to competition by the end of 2004. The decision to do so is not based on data or hard science. How did the administration choose that number? I want my colleagues to know that there is no evidence that outsourcing such a sizeable number of Federal jobs so quickly will achieve any cost savings at all. The proposed revisions to A-76, the regulations governing the contracting of Federal work, support outsourcing quotas by forcing agencies to outsource jobs without first holding public-private competitions, regardless of whether the move to privatization saves the Government any money.

Arbitrary quotas serve no purpose, and they place Federal workers in the unenviable position of never knowing whether their job will be eliminated. Even if employees were to understand the regulations governing Federal contracting, they would be competing in a system that is skewed toward private-sector bidders. Moreover, Federal managers are ill-prepared and undertrained to deal with large-scale outsourcing of government work. Federal employees are being forced to compete for jobs they already hold with very little, if any, training or guidance on how to enter the Federal contracting process and successfully compete with seasoned bidders. The past performance of Federal employees will not be taken into account when analyzing whether a Government contract should be awarded. However, a great value will be placed on the past performance of a private contractor.

As a member of the Governmental Affairs Committee, I am committed to an efficient, effective, and responsive Federal Government. However, as we look for ways to achieve this, we must ensure that contracting objectives are fair to our Federal workforce and result in cost savings. I do not believe that these goals are mutually exclusive. I will continue to work toward ensuring that Federal procurement policies are fair to Federal workers and cost-effective. The Mikulski amendment achieves this end, and I urge its adoption.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I yield back the time on this side.

Ms. MIKULSKI. Mr. President, if the other side yields back its time, I therefore yield back my time and know that there will be an agreement to vote on

my amendment that will be concluded at the end of the evening.

I thank my colleague from Alabama. I hope all my debates are that easy.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

AMENDMENT NO. 39

Mrs. MURRAY. Mr. President, I call up amendment No. 39 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. KENNEDY, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, Mr. DODD, Ms. CANTWELL, and Ms. STABENOW, proposes an amendment numbered 39.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the community access program)

On page 570, line 19, insert before the period the following: "Provided further, That \$120,027,000 shall be appropriated to carry out the community access program to increase the capacity and effectiveness of community health care institutions and providers who serve patients regardless of their ability to pay".

Mrs. MURRAY. Mr. President, I am offering this amendment on behalf of myself, Senators KENNEDY, REED, CLINTON, BINGAMAN, DODD, STABENOW, and CANTWELL.

The amendment I have called up is very simple. It restores the \$120 million to the Community Access Program that was cut in the managers' amendment. This \$120 million level is exactly the same level as we appropriated in fiscal year 2002, and it is the same level that was included in the fiscal year 2003 Labor-HHS-Education appropriations bill which we marked up last year.

The Community Access Program helps increase the capacity and effectiveness of community health care institutions and providers that serve patients regardless of their ability to pay.

It is a community-based program that seeks to coordinate care for the uninsured. It has been very successful, and it enjoys broad bipartisan support.

It is difficult for me to understand why the President's budget eliminates a program that seeks to get care for the uninsured at a time when the ranks of the uninsured continue to grow. Without a coordinated community-based approach to accessing care, the uninsured simply end up in our emergency rooms or go without care, and both of those results add to our growing health care crisis.

I know firsthand how successful this program has been. Washington State has four CAP grantees that have worked to expand access to quality, comprehensive care for those who have no health care safety net. They are

based in Spokane, Wenatchee, Olympia, and Seattle.

As I have met with our CAP grantees, they have shown me a glimpse into what I think is the future of health care.

In October I visited the Odessa Brown Children's Clinic. I saw a doctor, a dentist, and a psychologist in the same room, not just treating body parts but actually treating the whole child in a comprehensive, compassionate way. Today that project is known as "Kids Get Care," and it is connecting more than 3,000 children to comprehensive health care.

These kinds of efforts are making a real difference for low-income families, and they need more investment. Our CAP grantees have worked to ensure that our increased investment in community health centers reaps the greatest benefit possible. They have worked with vulnerable populations to tear down barriers to care and not just economic barriers. They use the small investment to better serve the uninsured. We should be strengthening efforts like this right now, not eliminating them.

Currently in my home State of Washington, one in nine residents is uninsured. And with my State's ongoing economic crisis—and I am sure across the country—demand is going to grow for programs that provide care for the uninsured. We need to meet the immediate needs of these families who today can only get access in the emergency room.

CAP provides the seed money that gives community health care providers the ability to serve those who have nowhere else to go.

As a member of the HELP Committee, I am disappointed that the majority has proposed eliminating this program. The HELP Committee worked in a bipartisan manner, under the leadership of Senators KENNEDY, GREGG, and FRIST, and secured passage of a 4-year health care safety net authorization bill. Last year that provided an authorization of this CAP program. That legislation was, in fact, unanimously adopted by the Senate in October of 2002 and signed by the President on October 26, 2002.

The purpose of the authorization is spelled out now in Public Law 107-251. I want to read the committee report. The purpose is:

To provide assistance to communities and to consortia of health care providers, in order to develop or strengthen an integrated health care delivery system that coordinates health services for individuals who are uninsured and individuals who are underinsured and to develop or strengthen activities related to providing coordinated care for individuals with chronic conditions.

Those are goals we must achieve. I understand the fiscal pressures facing the chairman of the Appropriations Committee and Chairman SPECTER, but we are facing a major health care crisis in this country. This is not just a crisis of the uninsured but a crisis of increasing costs. The impact of this will only mean higher Federal expenditures in

programs such as Medicare and Medicaid, not to mention the human toll on our uninsured citizens.

I applaud the recent comments by the new majority leader in discussing the racial inequities in our health care delivery system, and I look forward to working with him to address this injustice and to ensure greater access to care for all Americans. Fair and just access to care is a civil rights issue.

Being uninsured does not have to mean going without. We can offer a safety net to provide comprehensive care to the uninsured through programs such as CAP and community health centers.

I believe that CAP provides us a model for closing the gaps in health care and eliminating racial inequities. If we truly hope to provide fair and equal access, we must not eliminate CAP in this bill.

CAP is certainly not the only solution, but we all know that in order to address our health care crisis, we have to find innovative solutions that use our resources more effectively, and CAP does just that. It supports innovative community-based programs.

I urge my colleagues to support this amendment. I remind them, it was authorized by the full committee last year, unanimously passed the Senate, and has broad bipartisan support. We need to back our words in that bill with the resources for these communities to provide care for the uninsured and the growing ranks of uninsured across this country. We need to strengthen our fragile health care safety net across this country, and this amendment will help us do that.

I thank the Chair and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Washington for her comments. I had the pleasure a little over a year ago to travel to five different rural health clinics in Alabama, many of these in areas where minority citizens live, and was very pleased to have the chief Assistant Secretary of Health and Human Services, Claude Allen, to do that, an African-American himself, the chief deputy to Tommy Thompson.

My understanding is the administration does support rural health clinics; in fact, it has plans to expand them. Properly done, it would be the right way to go. I will be looking at the Senator's amendment and reviewing that as we go forward.

I think the general policy and the general direction of this administration will be to expand those clinics rather than to reduce them.

Mr. SESSIONS. Mr. President, we are waiting for the assistant Democratic leader, and while Senator MURRAY is here, I will add further on that subject that we visited rural health clinics in Alabama. They do a lot of work. Somehow we have created a system of health care where it is not easy for physicians

and health care professionals to choose to live in rural areas, and it has taken Government programs to meet the crisis need. I wish we could figure out a way to incentivize it so a person who might like to live in a small town could practice medicine there and make a decent living and have a nice life. Somehow we have not done that effectively. That is the reason we have felt the need to create these clinics with Government support.

TEXTILE TRANSHIPMENTS

Mrs. DOLE. Mr. President, it is my understanding that in the 107th Congress, \$9.5 million was authorized by the Trade Promotion Authority Act for the hiring of up to 71 new customs agents to more vigorously enforce the existing textile trade agreements. I ask Senator CAMPBELL, is that correct?

Mr. CAMPBELL. Yes, it is.

Mrs. DOLE. And it is also my understanding that this funding was not included in the final version of the bill before us. Is that also correct?

Mr. CAMPBELL. Yes, that is correct.

Mrs. DOLE. I understand the severe budget restraints you and the committee were working under to produce this final bill. I wish that the committee had been able to fund this very important measure.

Since 1996, 65,700 jobs have been lost in North Carolina alone in the textile industry. However, contrary to some opinions, the North Carolina textile industry can compete domestically and worldwide if, and I strongly emphasize "if," the Federal Government allocates the resources to its customs agents to do their jobs and enforce existing trade agreements.

Chuck Hayes, the former head of the American Textile Manufacturers Institute, once said that thousands of textile jobs could have been saved in North Carolina if the United States had rigorously enforced our existing textile trade agreements.

But in order to do that, the Customs Service needs to hire many more experienced agents to be able to investigate cases of illegally shipped textile products into the United States through our ports. It is a massive undertaking but one that we must pursue in order to save the remaining textile jobs in North Carolina and elsewhere and put our domestic textile industry on a more equal basis versus overseas manufacturers.

Mr. CAMPBELL. I fully understand and appreciate the Senator's feelings on this matter and I will work with her on this problem in the next appropriations cycle for fiscal year 2004.

Mrs. DOLE. I thank the Senator for that pledge to work with me. The health and welfare of thousands of hard-working North Carolina families depends on enforcing the textile trade agreements we now have in force. I will continue to stay in close contact with you and the committee on this issue.

PORT SECURITY

Mrs. MURRAY. Mr. President, I rise to request to enter into a colloquy with

the chairman and the ranking member on the Treasury and General Government Appropriations Subcommittee, the distinguished Senators from Colorado and North Dakota, regarding port security.

Mr. DORGAN. Mr. President, the security of our Nation's ports is of extreme importance to me, so I gladly will engage in a colloquy with the senior Senator from Washington. Being from a northern border state, like the senior Senator from Washington, I am particularly concerned about how others may try to use the border to circumvent our security. Furthermore, it is important that improving our security doesn't unnecessarily infringe upon commerce that travels over our northern border.

Mr. CAMPBELL. Mr. President, I also agree that securing our Nation's ports and points of entry is critical to protecting our citizens.

Mrs. MURRAY. Mr. President, on October 31, 2002, the U.S. Customs Service published regulations requiring sea carriers to provide cargo manifests 24 hours prior to the lading of containerized cargo at foreign ports for shipment to the United States. In short, since December 2, 2002, the Customs Service has been asking for a detailed list of all cargo entering a U.S. port and detailed information regarding the shipper. This will allow Customs agents to identify at-risk cargo, thus making our ports safer.

My State of Washington includes the ports of Seattle and Tacoma. These ports combined represent the Nation's third largest intermodal container gateway. So I applaud this initiative, which will allow customs agents the opportunity to identify at risk cargo, while expediting the process for low-risk cargo.

Having said that, I am concerned that if this rule is not adopted by the Customs authorities in countries with whom we share a border, we could actually make our borders even less secure. There is a substantial flow of overseas containerized goods coming over the Canadian and Mexican borders, especially the Canadian border, into the U.S. annually. If those goods are not subject to the 24-hour rule, as overseas containerized goods coming through U.S. ports are, we have defeated the intent of the rule. In addition, we are actually providing an incentive for shippers to use the Canadian or Mexican gateways instead of bringing their goods through U.S. ports. This scenario hurts us in two ways. First, it diminishes the security at our borders if the same rules do not apply to overseas containerized goods coming through Canada or Mexico, and second, if shipping lines flock to ports located in our northern and southern neighbors to bring goods into the U.S. due to the "hassle factor," it takes jobs and the potential for economic growth from our communities.

For this reason, I am gratified to learn that the Canadian government is

in the process of considering port security regulations of its own. U.S. Customs has thus far been able to work successfully with Canadian Customs on programs such as the Smart Border Accord, the Container Security Initiative, and the Customs Trade Partnership Against Terrorism effort.

So I am asking the distinguished Senators from Colorado and North Dakota regardless of whether the Canadian Government does or does not implement a similar advanced manifest information requirement, to with me to see our Government require the same manifest information on all container traffic that is destined to the United States on a through-bill-of-lading via a Canadian or Mexican port.

Mr. DORGAN. Mr. President, I thank the distinguished Senator from Washington for raising this issue with me. Congress must be vigilant in making sure that all cargo entering this country via any method—sea, air, or rail—faces the same level of scrutiny. Should the perception develop that it is easier to move goods into the U.S. through Canada, not only would our Nation's ports be disadvantaged economically, but our country would face a greater security risk. As you point out, regulation on ship traffic is moving ahead. I understand that Customs Commissioner Bonner has directed that regulations regarding rail, air, and truck shipments be kept on track. I certainly will work with the distinguished Senator from Washington and the Customs Service to ensure that all cargo entering the United States receives equal scrutiny.

Mr. CAMPBELL. Mr. President, I will work with the Senator from Washington, my ranking member, and the Customs Service to achieve this important goal. We must work hard to plug the security holes that exist, and this is one we should fix.

PROVIDENCE PERFORMING ARTS CENTER

Mr. CHAFEE. Mr. President, as we move forward on this measure, I noted in the Senate Report accompanying the FY 2003 Commerce, Justice, State, and the Judiciary Appropriations bill that the Appropriations Committee urged the Economic Development Administration (EDA) to evaluate several worthwhile proposals for projects which may be eligible for funding under the various EDA programs.

Mr. GREGG. That is correct. The committee listed six such proposals.

Mr. CHAFEE. I would like to make the Senator from New Hampshire, the Chairman of the Commerce Appropriations Subcommittee, aware of a strong economic development proposal from my home state of Rhode Island.

The proposal focuses on the renovation of the restored historic theater at the Providence Performing Arts Center, PPAC, in our capital city of Providence. Listed on the National Register of Historic Places, the facility was recently named an Official Project of the Save America's Treasures program directed by the National Trust for His-

toric Preservation and the White House Millennium Council. The full renovation of the theater, both structural and mechanical, is the ultimate goal of the non-profit entity that operates the center. A renovated PPAC has the potential to be one of the major economic development stimulants in the old downtown. I know from my membership on the Environment and Public Works Committee, which has authorizing jurisdiction over the EDA, that this project is very similar to others funded by the agency.

I ask the chairman if the Providence initiative is in keeping with the projects recommended by the committee and listed in the report?

Mr. GREGG. It is. In fact, the proposal to renovate and operate a vibrant theater appears to be just the type of job-creating project EDA should be encouraging in our downtowns.

Mr. CHAFEE. That being so, I ask the chairman if he would deem the Providence project part of the committee's recommendation to the EDA.

Mr. GREGG. Although we cannot amend the report at this point, I would urge the EDA to evaluate the Providence Performing Arts Center project along with the other projects listed in the committee report. The project should be given every consideration within applicable procedures and guidelines by the Economic Development Administration.

Mr. CHAFEE. I thank the Senator and look forward to working with the committee and EDA to generate positive economic development in downtown Providence.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRISIS IN ETHIOPIA

Mr. KENNEDY. Mr. President, our colleague in the House of Representatives, FRANK WOLF, recently returned from a visit to Ethiopia and Eritrea. His report on the trip describes the dire health and humanitarian crisis in these countries.

Congressman WOLF states that, without urgently needed support, an additional 11 million people may perish because of the famine exacerbated by drought, because of the HIV/AIDS epidemic, and because of the lingering effects of those countries' 2½ year border war.

These issues are extremely serious, and the international community can and must do more to help alleviate this crisis. I believe that Congressman WOLF's report will be of interest to all of us in the Senate, and I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD.